

117TH CONGRESS
2D SESSION

S. _____

To provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business
5 COVID Relief Act of 2022”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

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TITLE I—RESTAURANT REVITALIZATION FUND REPLENISHMENT
AND IMPROVEMENTS

- Sec. 101. Appropriation.
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- Sec. 212. Support for gyms and fitness centers.
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- Sec. 231. Definitions.
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- Sec. 233. Grants from Fund.
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Subtitle D—Support for Live Venue Service and Support Companies

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- Sec. 243. Grants from Fund.

Subtitle E—Support for Exclave Community Small Businesses

- Sec. 251. Definitions.
- Sec. 252. Exclave Community Small Business Relief Fund.
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TITLE III—OTHER SBA PROGRAM IMPROVEMENTS

- Sec. 301. Shuttered venue operators.

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TITLE VI—BUDGETARY EFFECTS

Sec. 601. Emergency designation.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Small Busi-
5 ness Administration.

6 (2) COVERED MORTGAGE OBLIGATION; COV-
7 ERED RENT OBLIGATION; COVERED SUPPLIER COST;
8 COVERED UTILITY PAYMENT; COVERED WORKER
9 PROTECTION EXPENDITURE.—The terms “covered
10 mortgage obligation”, “covered rent obligation”,
11 “covered supplier cost”, “covered utility payment”,
12 and “covered worker protection expenditure” have
13 the meanings given the terms in section 7A(a) of the
14 Small Business Act (15 U.S.C. 636m(a)).

15 (3) EXCHANGE; ISSUER; SECURITY.—The terms
16 “exchange”, “issuer”, and “security” have the
17 meanings given those terms in section 3(a) of the
18 Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

1 (4) NATIONAL SECURITIES EXCHANGE.—The
2 term “national securities exchange” means an ex-
3 change that is registered in accordance with section
4 6 of the Securities Exchange Act of 1934 (15 U.S.C.
5 78f).

6 (5) PAYROLL COSTS.—The term “payroll costs”
7 has the meaning given the term in section
8 7(a)(36)(A) of the Small Business Act (15 U.S.C.
9 636(a)(36)(A)), except that such term shall not in-
10 clude—

11 (A) qualified wages (as defined in sub-
12 section (c)(3) of section 2301 of the CARES
13 Act (26 U.S.C. 3111 note)) taken into account
14 in determining the credit allowed under such
15 section 2301; or

16 (B) premiums taken into account in deter-
17 mining the credit allowed under section 6432 of
18 the Internal Revenue Code of 1986.

19 (6) PRIVATE EQUITY FUND.—The term “pri-
20 vate equity fund” has the meaning given the term
21 in section 225.173(a) of title 12, Code of Federal
22 Regulations, or any successor regulation.

23 (7) PUBLICLY-TRADED COMPANY.—The term
24 “publicly-traded company” means an entity that is
25 majority owned or controlled by an entity that is an

1 issuer, the securities of which are listed on a na-
2 tional securities exchange.

3 (8) TRIBALLY-OWNED CONCERN.—The term
4 “Tribally-owned concern” has the meaning given the
5 term in section 124.3 of title 13, Code of Federal
6 Regulations, or any successor regulation.

7 **TITLE I—RESTAURANT REVITAL-**
8 **IZATION FUND REPLENISH-**
9 **MENT AND IMPROVEMENTS**

10 **SEC. 101. APPROPRIATION.**

11 Section 5003 of the American Rescue Plan Act of
12 2021 (15 U.S.C. 9009c) is amended—

13 (1) in subsection (b)(2)—

14 (A) in subparagraph (A)—

15 (i) by striking “\$28,600,000,000” and
16 inserting “\$68,600,000,000”; and

17 (ii) by inserting “, of which not more
18 than \$250,000,000 shall be for administra-
19 tive expenses to carry out this section and
20 of which \$20,000,000 shall be for the In-
21 spector General of the Small Business Ad-
22 ministration for audits of grants under this
23 section to investigate fraud and to identify
24 improper payments and ineligible recipi-
25 ents, and for other necessary expenses of

1 the Office of the Inspector General” before
2 the period at the end; and

3 (B) in subparagraph (B)(i)(II), by striking
4 “\$23,600,000,000” and inserting “any remain-
5 ing amounts not used for a purpose authorized
6 under subparagraph (A) or clause (i) of this
7 subparagraph”; and

8 (2) in subsection (c)—

9 (A) in paragraph (1), by striking “and
10 paragraph (3)”; and

11 (B) by striking paragraph (3).

12 **SEC. 102. INSUFFICIENT FUNDING.**

13 Section 5003 of the American Rescue Plan Act of
14 2021 (15 U.S.C. 9009c) is amended by adding at the end
15 the following:

16 “(d) INSUFFICIENT FUNDING.—

17 “(1) IN GENERAL.—If the Administrator deter-
18 mines that the amounts made available to carry out
19 this section are insufficient to make grants in the
20 amount provided in subsection (c)(4) to each eligible
21 entity that has submitted an application in accord-
22 ance with the program guidelines in effect on the
23 day before the date of enactment of this subsection,
24 but has not received an award as of such date, the

1 Administrator shall make grants with the available
2 amounts to each such eligible applicant—

3 “(A) such that the amount of the grant
4 that each such eligible entity would have other-
5 wise received under this section is reduced by
6 an equal percentage;

7 “(B) by establishing a maximum amount
8 for a grant made under this subsection to en-
9 sure that smaller eligible entities still receive
10 grants in the amounts provided under sub-
11 section (c)(4); or

12 “(C) by providing full awards in the
13 amounts provided under subsection (c)(4) below
14 a certain threshold (as the Administrator may
15 establish) and reducing grants above that
16 threshold by an equal percentage.

17 “(2) RESERVING FUNDS.—Nothing in para-
18 graph (1) shall prevent the Administrator from—

19 “(A) reserving funding for applicants that
20 may be determined to be eligible for a grant
21 under this section upon reconsideration; or

22 “(B) making partial awards to eligible en-
23 tities on a preliminary basis until the amount of
24 funding required to fund grants to all eligible

1 applicants is established, upon the completion
2 of the reconsideration process.”.

3 **SEC. 103. DATA TRANSPARENCY AND CUSTOMER SERVICE.**

4 Section 5003 of the American Rescue Plan Act of
5 2021 (15 U.S.C. 9009c), as amended by section 102 of
6 this Act, is amended by adding at the end the following:

7 “(e) REPORTS.—The Administrator shall—

8 “(1) on a biweekly basis until the amounts
9 made available to carry out this section are fully ex-
10 pended, publish data that shows, for the period be-
11 ginning on the date on which the Administrator
12 began making grants under this section and ending
13 on the date on which the information is published—

14 “(A) with respect to applications for grants
15 under this section, the number of those applica-
16 tions—

17 “(i) that the Administrator has re-
18 ceived;

19 “(ii) that the Administrator has re-
20 viewed or is in the process of reviewing;
21 and

22 “(iii) with respect to which the Ad-
23 ministrator has made a decision; and

24 “(B) the number and dollar amount of
25 grants under this section—

1 “(i) that have been awarded; and

2 “(ii) that have been disbursed;

3 “(2) on a weekly basis until the amounts made
4 available to carry out this section are fully expended,
5 publish, with respect to the period beginning on the
6 date of enactment of this subsection and ending on
7 the date on which the information is published—

8 “(A) with respect to each eligible entity to
9 which a grant is made under this section—

10 “(i) the name of the eligible entity, in-
11 cluding the name or names under which
12 the eligible entity does business if that
13 name is different from the name of the eli-
14 gible entity; and

15 “(ii) the address of—

16 “(I) the eligible entity; and

17 “(II) the physical location or lo-
18 cations for the eligible entity listed on
19 the application, if different from the
20 address of the eligible entity;

21 “(B) the amount of each grant described
22 in subparagraph (A); and

23 “(C) the business category listed in sub-
24 section (a)(4)(A) to which the eligible entity be-
25 longs; and

1 “(3) with respect to an applicant that applies
2 for a grant under this section and is denied by the
3 Administrator—

4 “(A) make available to the applicant a
5 brief explanation identifying the reason why the
6 Administrator denied the application of the ap-
7 plicant, which shall include, where applicable, a
8 citation to the statutory, regulatory, or guid-
9 ance provision with which the applicant failed
10 to comply and that was the basis for the denial;
11 and

12 “(B) establish a reconsideration process
13 through which the applicant may—

14 “(i) submit to the Administrator addi-
15 tional information the applicant determines
16 to be relevant to whether the applicant is
17 eligible for the grant;

18 “(ii) challenge the decision of the Ad-
19 ministrator; and

20 “(iii) receive a second review of the
21 application submitted by the applicant.”.

22 **SEC. 104. OVERSIGHT AND AUDITS.**

23 Section 5003 of the American Rescue Plan Act of
24 2021 (15 U.S.C. 9009c), as amended by section 103 of
25 this Act, is amended by adding at the end the following:

1 “(f) OVERSIGHT AND AUDITS.—

2 “(1) IN GENERAL.—The Administrator shall in-
3 stitute an oversight and audit plan with respect to
4 eligible entities receiving grants under this section,
5 which shall include—

6 “(A) documentation requirements that are
7 consistent with the eligibility and other require-
8 ments under this section, including by requiring
9 an eligible entity that receives a grant under
10 this section to retain records that demonstrate
11 compliance with those requirements; and

12 “(B) reviews of the use, by eligible entities,
13 of grants made under this section to ensure
14 compliance with the requirements of this sec-
15 tion, which shall include—

16 “(i) the review and audit, by the Ad-
17 ministrator, of grants made under this sec-
18 tion; and

19 “(ii) in the case of fraud or other ma-
20 terial noncompliance with respect to a
21 grant made under this section—

22 “(I) a requirement that the appli-
23 cable eligible entity repay to the Ad-
24 ministrator the amount of the
25 misspent funds; or

1 “(II) the pursuit, by the Admin-
2 istrator, of legal action to collect the
3 misspent funds.

4 “(2) SUBMISSION OF PLAN.—Not later than 30
5 days after the date of enactment of this subsection,
6 the Administrator shall submit to the Committee on
7 Small Business and Entrepreneurship of the Senate
8 and the Committee on Small Business of the House
9 of Representatives the plan required under para-
10 graph (1), which shall describe—

11 “(A) the policies and procedures of the Ad-
12 ministrator for conducting oversight and audits
13 of grants made under this section; and

14 “(B) the metrics that the Administrator
15 will use to determine which grants made under
16 this section will be audited under that plan.

17 “(3) REPORTS.—Not later than 60 days after
18 the date of enactment of this subsection, and once
19 every 30 days thereafter until the date that is 180
20 days after the date on which all amounts made avail-
21 able to carry out this section have been fully ex-
22 pended, and upon request thereafter, the Adminis-
23 trator shall submit to the Committee on Small Busi-
24 ness and Entrepreneurship of the Senate and the
25 Committee on Small Business of the House of Rep-

1 representatives a report on the oversight and audit ac-
2 tivities of the Administrator under this subsection,
3 which shall include—

4 “(A) the total number of grants approved
5 and disbursed under this section;

6 “(B) the total amount of each grant re-
7 ceived by each eligible entity;

8 “(C) the number of active investigations
9 and audits of grants made under this section;

10 “(D) the number of completed reviews and
11 audits of grants made under this section, in-
12 cluding a description of—

13 “(i) any findings of fraud or other
14 material noncompliance with the require-
15 ments of this section;

16 “(ii) questionable costs identified by
17 the Administrator; and

18 “(iii) the total amount recouped from
19 ineligible recipients; and

20 “(E) a description of any substantial
21 changes made to the plan required under para-
22 graph (1).

23 “(4) RETROACTIVE APPLICATION.—This sub-
24 section shall apply to grants and decisions made

1 under this section before, on, or after the date of en-
2 actment of this subsection.”.

3 **SEC. 105. REQUIREMENT OF CONTINUING OPERATION.**

4 For any application for a grant under section 5003
5 of the American Rescue Plan Act of 2021 (15 U.S.C.
6 9009c) that is pending on the date of enactment of this
7 Act or for which the applicant has received an award no-
8 tice but the Administrator has not disbursed amounts
9 under the grant, the Administrator may not disburse
10 amounts under the grant unless the applicant submits a
11 statement to the Administrator indicating the applicant is
12 still operating, or intends to reopen not later than 180
13 days after the date on which the statement is submitted,
14 the applicable place of business.

15 **TITLE II—SUPPORT FOR ADDI-**
16 **TIONAL BUSINESSES SUF-**
17 **FERING PANDEMIC-RELATED**
18 **REVENUE LOSS**

19 **Subtitle A—Support for Gyms and**
20 **Fitness Facilities**

21 **SEC. 211. DEFINITIONS.**

22 In this subtitle:

23 (1) **AFFILIATED BUSINESS.**—

24 (A) **IN GENERAL.**—The term “affiliated
25 business” means a business in which an eligible

1 entity has an equity or right to profit distribu-
2 tions of not less than 50 percent, or in which
3 an eligible entity has the contractual authority
4 to control the direction of the business, pro-
5 vided that such affiliation shall be determined
6 as of any arrangements or agreements in exist-
7 ence as of February 29, 2020.

8 (B) REGULATIONS.—For purposes of eligi-
9 bility for covered grants—

10 (i) the provisions applicable to affili-
11 ations under section 121.301 of title 13,
12 Code of Federal Regulations, or any suc-
13 cessor regulation, are waived for any busi-
14 ness concern operating as a franchise that
15 is assigned a franchise identifier code by
16 the Administration; and

17 (ii) the exceptions to affiliation noted
18 in section 121.103(b) of title 13, Code of
19 Federal Regulations, or any successor reg-
20 ulation, shall apply to an affiliated busi-
21 ness.

22 (2) COVERED GRANT.—The term “covered
23 grant” means a grant under section 213 made to an
24 eligible entity.

1 (3) COVERED PERIOD.—The term “covered pe-
2 riod” means the period—

3 (A) beginning on March 1, 2020; and

4 (B) ending on March 31, 2023, or a date
5 to be determined by the Administrator that is
6 not later than 2 years after the date of enact-
7 ment of this Act.

8 (4) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty”—

10 (A) means a fitness facility—

11 (i) that employs not more than 500
12 employees, determined on a full-time
13 equivalency basis;

14 (ii) that—

15 (I) provides instruction in a pro-
16 gram of in-person physical exercise; or

17 (II) offers space for individuals
18 to take part in the preservation, main-
19 tenance, encouragement, or develop-
20 ment of physical fitness;

21 (iii) for which the health or fitness
22 component is not incidental to the overall
23 function and purpose of the facility; and

1 (iv) that derives revenue primarily
2 from membership dues or admission or
3 participation fees;

4 (B) may include—

5 (i) a for-profit entity;

6 (ii) a nonprofit entity; and

7 (iii) a Tribally-owned concern; and

8 (C) does not include—

9 (i) an entity with pandemic-related
10 revenue losses that are not greater than 25
11 percent;

12 (ii) an entity described in subpara-
13 graph (A) that—

14 (I) is a State or local govern-
15 ment-operated business;

16 (II) as of March 1, 2020, owns
17 or operates (together with any affili-
18 ated business) more than 10 locations,
19 regardless of whether those locations
20 do business under the same or mul-
21 tiple names;

22 (III) has a pending application
23 for or has received a grant under—

24 (aa) section 324 of the Eco-
25 nomic Aid to Hard Hit Small

1 Businesses, Nonprofits, and
2 Venues Act (15 U.S.C. 9009a);
3 or

4 (bb) section 5003 of the
5 American Rescue Plan Act of
6 2021 (15 U.S.C. 9009c); or

7 (IV) offers golf, hunting, sailing,
8 shooting, or riding facilities;

9 (iii) a publicly-traded company;

10 (iv) an entity that was not in oper-
11 ation before March 1, 2020; or

12 (v) an entity that is not in operation
13 on, and does not intend to reopen on or be-
14 fore the date that is 180 days after, the
15 date on which the entity applies for a cov-
16 ered grant.

17 (5) FUND.—The term “Fund” means the Gym
18 and Fitness Center Recovery Fund established
19 under section 212(a)(1).

20 (6) PANDEMIC-RELATED REVENUE LOSS.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the term “pandemic-related revenue
23 loss” means, with respect to an eligible entity—

24 (i) except as provided in clauses (ii)
25 and (iii), the gross receipts, as established

1 using such verification documentation as
2 the Administrator may require, of the eligi-
3 ble entity during 2020 subtracted from the
4 gross receipts of the eligible entity in 2019,
5 if such amount is greater than zero, except
6 that the Administrator may make adjust-
7 ments to this formula as needed for sea-
8 sonal businesses, businesses affected by
9 natural disasters, and to address other cir-
10 cumstances identified by the Administrator
11 requiring accommodation;

12 (ii) if the eligible entity was not in op-
13 eration for the entirety of 2019—

14 (I) the difference, if greater than
15 zero, between—

16 (aa) the product obtained by
17 multiplying the average monthly
18 gross receipts of the eligible enti-
19 ty in 2019 by 12; and

20 (bb) the product obtained by
21 multiplying the average monthly
22 gross receipts of the eligible enti-
23 ty in 2020 by 12; or

1 (II) an amount based on a for-
2 mula determined by the Adminis-
3 trator; and

4 (iii) if the eligible entity opened dur-
5 ing the period beginning on January 1,
6 2020 and ending on February 29, 2020,
7 an amount based on a formula determined
8 by the Administrator.

9 (B) REDUCTION.—

10 (i) IN GENERAL.—The pandemic-re-
11 lated revenue losses for an eligible entity
12 shall be reduced by—

13 (I) any amounts received from a
14 covered loan made under paragraph
15 (36) or (37) of section 7(a) of the
16 Small Business Act (15 U.S.C.
17 636(a)) in 2020 or 2021; and

18 (II) the amount by which the
19 total of all remunerative payments
20 made to an individual, including any
21 annual salary paid to an employee, in
22 2020 exceeds \$250,000.

23 (ii) ADMINISTRATOR AUTHORITY.—
24 The Administrator may determine the

1 types of payments and individuals to which
2 clause (i)(II) applies.

3 **SEC. 212. SUPPORT FOR GYMS AND FITNESS CENTERS.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—There is established within
6 the Restaurant Revitalization Fund established
7 under section 5003 of the American Rescue Plan
8 Act of 2021 (15 U.S.C. 9009c) a fund to be known
9 as the Gym and Fitness Center Recovery Fund.

10 (2) USE OF FUNDS.—Subject to section 266,
11 the Administrator may use amounts in the Fund
12 only for the purposes described in this subtitle and
13 not for any purpose described in section 5003 of the
14 American Rescue Plan Act of 2021 (15 U.S.C.
15 9009c).

16 (b) APPROPRIATIONS.—In addition to amounts other-
17 wise available, there is appropriated to the Fund for fiscal
18 year 2022, out of any money in the Treasury not otherwise
19 appropriated, \$2,000,000,000, to remain available until
20 expended.

21 **SEC. 213. GRANTS FROM FUND.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (c)(3) of this section, the Administrator shall make cov-
24 ered grants to eligible entities in the order in which appli-
25 cations are received by the Administrator.

1 (b) APPLICATIONS.—

2 (1) CERTIFICATION.—An eligible entity apply-
3 ing for a covered grant shall make a good faith cer-
4 tification that—

5 (A) the uncertainty of current economic
6 conditions makes necessary the request for the
7 covered grant to support the ongoing operations
8 of the eligible entity;

9 (B) the eligible entity does not have a
10 pending application for, and has not received, a
11 grant under—

12 (i) section 324 of the Economic Aid to
13 Hard-Hit Small Businesses, Nonprofits,
14 and Venues Act (15 U.S.C. 9009a); or

15 (ii) section 5003 of the American Res-
16 cue Plan Act of 2021 (15 U.S.C. 9009c);
17 and

18 (C) contains any other information that
19 the Administrator may require.

20 (2) VERIFICATION MATERIALS.—Subject to sec-
21 tion 211(6)(A)(i), the Administrator shall use tax
22 records, and may, in addition, use other reliable
23 sources such as certified accounting statements, with
24 respect to an applicant for a covered grant to deter-
25 mine—

1 (A) the eligibility of the applicant for that
2 covered grant; and

3 (B) the amount of that covered grant to
4 the applicant.

5 (3) ACCEPTANCE OF APPLICATIONS.—Not later
6 than 60 days after the date of enactment of this
7 Act, the Administrator shall begin accepting applica-
8 tions for covered grants.

9 (c) AMOUNT OF GRANT.—

10 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
11 gregate amount of covered grants made to an eligi-
12 ble entity and any affiliated businesses of the eligible
13 entity—

14 (A) shall not exceed \$2,000,000; and

15 (B) shall be limited to \$1,000,000 per
16 physical location of the eligible entity.

17 (2) DETERMINATION OF AMOUNT OF GRANT.—

18 (A) IN GENERAL.—Except as provided in
19 this subsection, the amount of a covered grant
20 made to an eligible entity shall be equal to the
21 difference between—

22 (i) the pandemic-related revenue loss
23 of the eligible entity; and

24 (ii)(I) the amount equal to the prod-
25 uct obtained by multiplying 3 by the aver-

age monthly gross receipts of the eligible
entity in 2019; or

(II) for an eligible entity that did not have gross receipts in 2019, because the eligible entity began operating between January 1, 2020 and February 29, 2020 or due to other factors identified by the Administrator, an alternative amount based on a formula to be determined by the Administrator.

(B) LIMITATION.—An eligible entity may not receive a covered grant in an amount that is greater than—

(i) the amount equal to the product obtained by multiplying 6 by the average monthly gross receipts of the eligible entity in 2019; or

(ii) if the eligible entity was not in operation for the entirety of 2019, if the gross receipts of the eligible entity during 2019 were reduced due to other factors identified by the Administrator, or if the eligible entity opened during the period beginning on January 1, 2020 and ending on February 29, 2020, an amount determined

1 under a formula established by the Admin-
2 istrator.

3 (C) MINIMUM AMOUNT.—The Adminis-
4 trator may establish a minimum amount of a
5 covered grant in an amount that is not more
6 than \$10,000.

7 (D) RETURN TO SBA.—Any amount of a
8 covered grant to an eligible entity based on esti-
9 mated receipts that is greater than the actual
10 gross receipts of the eligible entity in 2020 shall
11 be returned to the Administrator, who may use
12 those returned funds to make additional cov-
13 ered grants.

14 (3) INSUFFICIENT FUNDING.—

15 (A) IN GENERAL.—If the Administrator
16 determines that the amounts made available to
17 carry out this subtitle are insufficient to make
18 covered grants to each eligible entity in the
19 amount provided under paragraphs (1) and (2),
20 the Administrator shall—

21 (i) make covered grants with the
22 available amounts—

23 (I) such that the amount of the
24 covered grant that each such eligible
25 entity would have otherwise received

1 under those paragraphs is reduced by
2 an equal percentage;

3 (II) by establishing a maximum
4 amount for a covered grant made
5 under this clause to ensure that small-
6 er eligible entities still receive covered
7 grants in the amounts provided under
8 those paragraphs; or

9 (III) by providing covered grants
10 in the amounts provided under those
11 paragraphs below a certain threshold
12 (as the Administrator may establish)
13 and reducing covered grants above
14 that threshold by an equal percentage;
15 and

16 (ii) in a manner that complies with
17 clause (i), make covered grants to each eli-
18 gible entity that submits an application for
19 a covered grant during the 21-day period
20 beginning on the date on which the Admin-
21 istrator begins accepting those applica-
22 tions.

23 (B) RESERVING FUNDS.—Nothing in sub-
24 paragraph (A) shall prevent the Administrator
25 from—

1 (i) reserving funding for applicants
2 that may be determined to be eligible for
3 a covered grant upon reconsideration; or

4 (ii) making partial awards to eligible
5 entities on a preliminary basis until the
6 amount of funding required to fund cov-
7 ered grants to all eligible entities that sub-
8 mit applications is established, upon the
9 completion of the reconsideration process.

10 (d) USE OF FUNDS.—During the covered period, an
11 eligible entity that receives a covered grant may use
12 amounts received under the covered grant for the following
13 expenses incurred as a direct result of, or during, the
14 COVID–19 pandemic:

15 (1) Payroll costs.

16 (2) Payments to independent contractors, as re-
17 ported on Form 1099-MISC, except that each pay-
18 ment under this paragraph shall be in an amount
19 that is not more than \$100,000.

20 (3) Scheduled payments of interest or principal
21 on any covered mortgage obligation (which may not
22 include any prepayment of principal on a covered
23 mortgage obligation).

1 (4) Payments on any covered rent obligation
2 and common area maintenance charges under a
3 lease agreement.

4 (5) Covered utility payments.

5 (6) Maintenance expenses.

6 (7) Covered worker protection expenditures.

7 (8) Supplies, including protective equipment
8 and cleaning materials.

9 (9) Expenses that were within the scope of the
10 normal business practice of the eligible entity before
11 the covered period.

12 (10) Covered supplier costs.

13 (11) Operational expenses.

14 (12) Paid sick leave.

15 (13) Capital expenditures (or expenses required
16 under any Federal, State, or local law) relating to
17 implementing social distancing measures.

18 (14) Any other expenses that the Administrator
19 determines to be essential to maintaining the eligible
20 entity.

21 (e) RETURNING FUNDS.—If an eligible entity that re-
22 ceives a covered grant fails to use all of the amounts re-
23 ceived under the covered grant on or before the last day
24 of the covered period or permanently ceases operations on
25 or before the last day of the covered period, the eligible

1 entity shall return to the Treasury any funds that the eli-
2 gible entity did not use for the allowable expenses under
3 subsection (d).

4 **Subtitle B—Support for Minor** 5 **League Sports**

6 **SEC. 221. DEFINITIONS.**

7 In this subtitle:

8 (1) COVERED GRANT.—The term “covered
9 *grant*” means a grant made under section 223 to an
10 eligible entity.

11 (2) FUND.—The term “Fund” means the Save
12 Minor League Sports Fund established under sec-
13 tion 222(a)(1).

14 (3) ELIGIBLE ENTITY.—

15 (A) IN GENERAL.—The term “eligible enti-
16 ty” means any minor league sports team that
17 meets the following requirements:

18 (i) The minor league sports team was
19 operating in the ordinary course of busi-
20 ness on February 29, 2020.

21 (ii) The gross receipts of the minor
22 league sports team—

23 (I) in calendar year 2020 or the
24 fiscal year ending in 2021 was not
25 more than 50 percent of the gross re-

1 ceipts of the minor league sports team
2 in calendar year 2019 or the fiscal
3 year ending in 2019, respectively; or
4 (II) in calendar year 2020 or the
5 fiscal year ending in 2021 was not
6 more than 50 percent of the gross re-
7 ceipts of the minor league sports team
8 over the 3-year period from calendar
9 year 2016 through calendar 2018 or
10 the fiscal year ending in 2016 through
11 the fiscal year ending in 2018, respec-
12 tively, if the gross receipts of the
13 minor league sports team was nega-
14 tively impacted by a natural disaster
15 or weather disruption in calendar year
16 2019 or the fiscal year ending in
17 2019.

18 (iii) The minor league sports team is
19 open on, or intends to reopen on or before
20 the date that is 180 days after, the date on
21 which the minor league sports team sub-
22 mits the certification required under sec-
23 tion 223(b)(1), for the primary purpose of
24 conducting sports games.

1 (B) EXCLUSIONS.—The term “eligible en-
2 tity” does not include a minor league sports
3 team that—

4 (i) has a pending application for or
5 has received a grant under—

6 (I) section 324 of the Economic
7 Aid to Hard-Hit Small Businesses,
8 Nonprofits, and Venues Act (15
9 U.S.C. 9009a); or

10 (II) section 5003 of the Amer-
11 ican Rescue Plan Act of 2021 (15
12 U.S.C. 9009c);

13 (ii) is owned directly or indirectly by
14 a major league sports league or major
15 league sports team;

16 (iii) has an individual owner with—

17 (I) not less than a 20 percent
18 share in the team; and

19 (II) more than a 10 percent own-
20 ership interest in a major league
21 sports league or major league sports
22 team;

23 (iv) is more than 50 percent owned by
24 a private equity fund; or

1 (v) is more than 50 percent owned by
2 a publicly-traded company.

3 (C) MULTIPLE BUSINESS ENTITIES.—The
4 Administrator shall treat each eligible entity as
5 an independent, non-affiliated entity for the
6 purposes of this subtitle.

7 (4) MINOR LEAGUE SPORTS TEAM.—The term
8 “minor league sports team” means a professional
9 sports team—

10 (A) that may be—

11 (i) a corporation, limited liability com-
12 pany, partnership, or nonprofit organiza-
13 tion;

14 (ii) operated as a sole proprietorship;
15 or

16 (iii) a Tribally-owned concern;

17 (B) that, as of the date of enactment of
18 this Act—

19 (i) is located in the United States;

20 (ii) is not owned directly or indirectly
21 by an educational institution;

22 (iii) derives income primarily from the
23 presence of in-person spectators;

24 (iv) is not—

1 (I) a recreational, intramural,
2 club, or other type of amateur sports
3 team; or

4 (II) a training academy open to
5 athletes under 18 years of age;

6 (v) does not require players to pay a
7 fee to participate; and

8 (vi) either has a formal relationship
9 with a major league sports team or major
10 league sports league to develop players to
11 compete in a major league sports league,
12 or competes in a sports league from which
13 a major league sports team or major
14 league sports league scouts for prospective
15 players; and

16 (C) comprised of players paid a salary to
17 play in the games of the team as of—

18 (i) the date of enactment of this Act;

19 or

20 (ii) February 29, 2020.

21 (5) MAJOR LEAGUE SPORTS LEAGUE.—The
22 term “major league sports league” means a profes-
23 sional sports league consisting of teams competing
24 at the highest professional level of a given sport in

1 the United States, as determined by the Adminis-
2 trator.

3 (6) MAJOR LEAGUE SPORTS TEAM.—The term
4 “major league sports team” means a team that com-
5 petes in a major league sports league.

6 (7) NATURAL DISASTER OR WEATHER DISRUP-
7 TION.—The term “natural disaster or weather dis-
8 ruption” means—

9 (A) a flooding event, hurricane, earth-
10 quake, forest fire, or other disaster that trig-
11 gers eligibility for Federal aid, including dis-
12 aster assistance from the Administrator; or

13 (B) a series of weather-related events that,
14 individually or collectively, caused more than 20
15 percent of games to be permanently canceled.

16 (8) PANDEMIC-RELATED REVENUE LOSS.—

17 (A) IN GENERAL.—The term “pandemic-
18 related revenue loss”, with respect to an eligible
19 entity, as established using such verification
20 documentation as the Administrator may re-
21 quire, means, if such amount is greater than
22 zero—

23 (i) except as provided in clauses (ii),
24 (iii), and (iv), the gross receipts of the eli-
25 gible entity during calendar year 2020 or

1 the fiscal year ending in 2021 subtracted
2 from the gross receipts of the eligible enti-
3 ty in calendar year 2019 or the fiscal year
4 ending in 2019, respectively;

5 (ii) the gross receipts of the eligible
6 entity during calendar year 2020 or the
7 fiscal year ending in 2021 subtracted from
8 the average annual gross receipts of the el-
9 igible entity over the 3-year period from
10 calendar year 2016 through calendar year
11 2018 or the fiscal year ending in 2016
12 through the fiscal year ending in 2018, re-
13 spectively, if the gross receipts of the eligi-
14 ble entity were negatively impacted by a
15 natural disaster or weather disruption in
16 calendar year 2019 or the fiscal year end-
17 ing in 2019;

18 (iii) if the eligible entity was not in
19 operation for the entirety of 2019—

20 (I) the difference between—

21 (aa) the product obtained by
22 multiplying the average monthly
23 gross receipts of the eligible enti-
24 ty in calendar year 2019 or the

1 fiscal year ending in 2019 by 12;
2 and

3 (bb) the product obtained by
4 multiplying the average monthly
5 gross receipts of the eligible enti-
6 ty in calendar year 2020 or the
7 fiscal year ending in 2021 by 12;
8 or

9 (II) an amount based on a for-
10 mula determined by the Adminis-
11 trator; or

12 (iv) if the eligible entity opened during
13 the period beginning on January 1, 2020,
14 and ending on February 29, 2020—

15 (I) the expenses described in sec-
16 tion 223(f) that were incurred by the
17 eligible entity minus any gross re-
18 ceipts received; or

19 (II) an amount based on a for-
20 mula determined by the Adminis-
21 trator.

22 (B) REDUCTION.—For purposes of this
23 paragraph, the pandemic-related revenue loss
24 for an eligible entity shall be reduced by any
25 amounts received from a covered loan made

1 under paragraph (36) or (37) of section 7(a) of
2 the Small Business Act (15 U.S.C. 636(a)) in
3 2020 or 2021.

4 **SEC. 222. SAVE MINOR LEAGUE SPORTS FUND.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—There is established within
7 the Restaurant Revitalization Fund established
8 under section 5003 of the American Rescue Plan
9 Act of 2021 (15 U.S.C. 9009c) a fund to be known
10 as the Save Minor League Sports Fund.

11 (2) USE OF FUNDS.—Subject to section 266,
12 the Administrator may use amounts in the Fund
13 only for the purposes described in this subtitle and
14 not for any purpose described in section 5003 of the
15 American Rescue Plan Act of 2021 (15 U.S.C.
16 9009c).

17 (b) APPROPRIATIONS.—

18 (1) IN GENERAL.—In addition to amounts oth-
19 erwise available, there is appropriated to the Fund
20 for fiscal year 2022, out of any money in the Treas-
21 ury not otherwise appropriated, \$500,000,000, to re-
22 main available until expended.

23 (c) USE OF FUNDS.—The Administrator shall use
24 amounts in the Fund to make covered grants.

1 **SEC. 223. SAVE MINOR LEAGUE SPORTS GRANTS.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (e)(3), the Administrator shall award covered grants to
4 eligible entities in the order in which applications are re-
5 ceived by the Administrator.

6 (b) APPLICATION.—An eligible entity applying for a
7 covered grant shall make a good faith certification that—

8 (1) the uncertainty of current economic condi-
9 tions makes necessary the grant request to support
10 the ongoing operations of the eligible entity;

11 (2) the eligible entity does not have a pending
12 application nor has the eligible entity received a
13 grant under—

14 (A) section 324 of the Economic Aid to
15 Hard-Hit Small Businesses, Nonprofits, and
16 Venues Act (15 U.S.C. 9009a); or

17 (B) section 5003 of the American Rescue
18 Plan Act of 2021 (15 U.S.C. 9009c); and

19 (3) contains any other information that the Ad-
20 ministrator may require.

21 (c) VERIFICATION MATERIALS.—Subject to section
22 221(8)(A), the Administrator shall use tax records, and
23 may, in addition, use other reliable sources such as cer-
24 tified accounting statements, with respect to an applicant
25 for a covered grant to determine—

1 (1) the eligibility of the applicant for that cov-
2 ered grant; and

3 (2) the amount of that covered grant to the ap-
4 plicant.

5 (d) LIMITATION ON NUMBER OF GRANTS.—An eligi-
6 ble entity may receive only 1 covered grant.

7 (e) MAXIMUM AMOUNT.—

8 (1) AGGREGATE MAXIMUM AMOUNT.—The
9 amount of a covered grant made to an eligible enti-
10 ty—

11 (A) shall not exceed \$5,000,000; and

12 (B) shall be limited to—

13 (i) 50 percent of the gross receipts of
14 the eligible entity for calendar year 2019
15 or the fiscal year ending in 2019;

16 (ii) 50 percent of the average annual
17 gross receipts of the eligible entity over the
18 3-year period from calendar year 2016
19 through calendar year 2018 or the fiscal
20 year ending in 2016 through the fiscal
21 year ending in 2018, if the gross receipts
22 of the eligible entity were negatively im-
23 pacted by a natural disaster or weather
24 disruption in calendar year 2019 or the fis-
25 cal year ending in 2019;

1 (iii) an amount based on a formula
2 determined by the Administrator if the eli-
3 gible entity was not in operation for the
4 entirety of 2019; or

5 (iv) an amount based on a formula
6 determined by the Administrator if the eli-
7 gible entity opened during the period be-
8 ginning on January 1, 2020 and ending on
9 February 29, 2020.

10 (2) DETERMINATION OF GRANT AMOUNT.—

11 (A) IN GENERAL.—Except as provided in
12 this subsection, the amount of a covered grant
13 made to an eligible entity shall be equal to the
14 difference between—

15 (i) the pandemic-related revenue loss
16 of the eligible entity; and

17 (ii)(I) the amount equal to the prod-
18 uct obtained by multiplying 3 by the aver-
19 age monthly gross receipts of the eligible
20 entity in 2019;

21 (II) for an eligible entity that did not
22 have gross receipts in 2019, because the el-
23 igible entity began operating between Jan-
24 uary 1, 2020 and February 29, 2020, or
25 due to other factors identified by the Ad-

1 administrator, an alternative amount based
2 on a formula to be determined by the Ad-
3 ministrator; or

4 (III) for an eligibility that was nega-
5 tively impacted by a natural disaster or
6 weather disruption in calendar year 2019
7 or the fiscal year ending in 2019, the
8 amount equal to the product obtained by
9 multiplying 3 by the average monthly gross
10 receipts of the eligible entity over the 3-
11 year period from calendar year 2016
12 through calendar year 2018 or the fiscal
13 year ending in 2016 through the fiscal
14 year ending in 2018.

15 (B) RETURN OF GRANTS.—

16 (i) GROSS RECEIPTS.—Any amount of
17 a covered grant made to an eligible entity
18 based on estimated gross receipts that is
19 greater than the actual gross receipts of
20 the eligible entity in 2020 shall be returned
21 to the Administrator, who may use those
22 returned funds to make additional covered
23 grants.

24 (ii) PRIVATE EQUITY FUND, PUB-
25 LICLY-TRADED COMPANY, OR MAJOR

1 LEAGUE SPORTS TEAM.—The full amount
2 of a covered grant made to an eligible enti-
3 ty shall be returned to the Treasury if,
4 during the 3-year period following receipt
5 of the covered grant, the eligible entity—

6 (I) becomes more than 50 per-
7 cent owned by a private equity fund;

8 (II) becomes or is acquired by a
9 publicly-traded company; or

10 (III) becomes more than 50 per-
11 cent owned by a major league sports
12 team.

13 (3) INSUFFICIENT FUNDING.—

14 (A) IN GENERAL.—If the Administrator
15 determines that the amounts made available to
16 carry out this subtitle are insufficient to make
17 covered grants to each eligible entity in the
18 amount provided under paragraphs (1) and (2),
19 the Administrator shall—

20 (i) make covered grants with the
21 available amounts—

22 (I) such that the amount of the
23 covered grant that each such eligible
24 entity would have otherwise received

1 under those paragraphs is reduced by
2 an equal percentage;

3 (II) by establishing a maximum
4 amount for a covered grant made
5 under this clause to ensure that small-
6 er eligible entities still receive covered
7 grants in the amounts provided under
8 those paragraphs; or

9 (III) by providing covered grants
10 in the amounts provided under those
11 paragraphs below a certain threshold
12 (as the Administrator may establish)
13 and reducing covered grants above
14 that threshold by an equal percentage;
15 and

16 (ii) in a manner that complies with
17 clause (i), make covered grants to each eli-
18 gible entity that submits an application for
19 a covered grant during the 21-day period
20 beginning on the date on which the Admin-
21 istrator begins accepting those applica-
22 tions.

23 (B) RESERVING FUNDS.—Nothing in sub-
24 paragraph (A) shall prevent the Administrator
25 from—

1 (i) reserving funding for applicants
2 that may be determined to be eligible for
3 a covered grant upon reconsideration; or

4 (ii) making partial awards to eligible
5 entities on a preliminary basis until the
6 amount of funding required to fund cov-
7 ered grants to all eligible entities that sub-
8 mit applications is established, upon the
9 completion of the reconsideration process.

10 (f) USE OF FUNDS.—

11 (1) TIMING.—

12 (A) EXPENSES INCURRED.—Amounts re-
13 ceived under a covered grant may only be used
14 for expenses incurred, including for reimburse-
15 ments of expenses already paid by the eligible
16 entity, during the period beginning on March 1,
17 2020, and ending on the date that is 18 months
18 after the date of enactment of this Act.

19 (B) EXPENDITURE.—An eligible entity
20 shall return to the Treasury any amounts re-
21 ceived under a covered grant that are not ex-
22 pended on or before the date that is 18 months
23 after the date of disbursement of the covered
24 grant.

1 (2) ALLOWABLE EXPENSES.—An eligible entity
2 may use amounts received under a covered grant
3 for—

4 (A) payroll costs, not to exceed a total of
5 \$100,000 in annual compensation for any indi-
6 vidual employee;

7 (B) payments on any covered rent obliga-
8 tion or other obligation to a public entity from
9 whom the primary venue of the eligible entity is
10 leased or licensed;

11 (C) any covered utility payment;

12 (D) payments of interest or principal due
13 on any covered mortgage obligation;

14 (E) payments of interest or principal due
15 on any indebtedness or debt instrument in-
16 curred in the ordinary course of business that
17 is a liability of the eligible entity and was in
18 place or incurred prior to March 1, 2020, in-
19 cluding any subsequent renewals, amendments,
20 or extensions of debt instruments in place as of
21 that date;

22 (F) covered worker protection expendi-
23 tures;

24 (G) payments made to independent con-
25 tractors, as reported on Form-1099 MISC, not

1 to exceed a total of \$100,000 in annual com-
2 pensation for any individual employee of an
3 independent contractor; and

4 (H) other ordinary and necessary business
5 expenses, including—

6 (i) maintenance expenses;

7 (ii) administrative costs, including
8 fees and licensing costs;

9 (iii) State and local taxes and fees;

10 (iv) operating leases in effect as of
11 March 1, 2020;

12 (v) payments required for insurance
13 on any insurance policy;

14 (vi) settling existing debts with ven-
15 dors; and

16 (vii) advertising, production, transpor-
17 tation, and other expenditures relating to
18 the primary venue of the eligible entity or
19 events held at such venue, except that a
20 covered grant may not be used primarily
21 for such expenditures.

22 (3) PROHIBITED EXPENSES.—An eligible entity
23 may not use amounts received under a covered
24 grant—

1 (A) to purchase real estate or to make
2 physical improvements to property unrelated to
3 compliance with social distancing guidelines;

4 (B) for payments of interest or principal
5 for loans originated after March 1, 2020;

6 (C) to invest or re-lend funds;

7 (D) for contributions or expenditures to, or
8 on behalf of, any political party, party com-
9 mittee, or candidate for elective office; or

10 (E) for any other use as may be reasonably
11 prohibited by the Administrator.

12 **Subtitle C—Support for Border**
13 **Businesses Affected by Border**
14 **Closures**

15 **SEC. 231. DEFINITIONS.**

16 In this subtitle:

17 (1) **AFFILIATED BUSINESS.—**

18 (A) **IN GENERAL.—**The term “affiliated
19 business” means a business in which an eligible
20 entity has an equity or right to profit distribu-
21 tions of not less than 50 percent, or in which
22 an eligible entity has the contractual authority
23 to control the direction of the business, pro-
24 vided that such affiliation shall be determined

1 as of any arrangements or agreements in exist-
2 ence as of February 29, 2020.

3 (B) REGULATIONS.—For purposes of eligi-
4 bility for covered grants—

5 (i) the provisions applicable to affili-
6 ations under section 121.301 of title 13,
7 Code of Federal Regulations, or any suc-
8 cessor regulation, are waived for any busi-
9 ness concern operating as a franchise that
10 is assigned a franchise identifier code by
11 the Administration; and

12 (ii) the exceptions to affiliation noted
13 in section 121.103(b) of title 13, Code of
14 Federal Regulations, or any successor reg-
15 ulation, shall apply to an affiliated busi-
16 ness.

17 (2) BORDER BUSINESS.—The term “border
18 business”—

19 (A) means an entity—

20 (i) that is a small business concern
21 (as defined in section 3 of the Small Busi-
22 ness Act (15 U.S.C. 632));

23 (ii) the principal office of which is lo-
24 cated in the United States;

25 (iii) that has—

1 (I) annual average gross receipts
2 in 2019 in an amount that is not
3 more than \$1,000,000; and

4 (II) not less than 1 and not more
5 than 25 employees, determined on a
6 full-time equivalency basis; and

7 (iv) that has a physical location with-
8 in—

9 (I) an area adjacent to a des-
10 ignated land port of entry, includ-
11 ing—

12 (aa) the lands within the ex-
13 ternal boundaries of a designated
14 land port of entry along the
15 international borders between the
16 United States and Mexico or the
17 United States and Canada;

18 (bb) the census tract in
19 which the lands described in item
20 (aa) are wholly contained;

21 (cc) a census tract the
22 boundaries of which intersect the
23 lands described in item (aa); and

24 (dd) a census tract—

1 (AA) the boundaries of
2 which are contiguous to the
3 census tracts described in
4 item (bb) or (cc); and

5 (BB) which is not more
6 than 50 miles from the
7 international border between
8 the United States and Mex-
9 ico or the United States and
10 Canada; or

11 (II) a colonia;

12 (B) may include—

13 (i) a for-profit entity; and

14 (ii) a Tribally-owned concern; and

15 (C) does not include—

16 (i) an entity with pandemic-related
17 revenue losses that are not greater than 25
18 percent;

19 (ii) an entity described in subpara-
20 graph (A) that is a State or local govern-
21 ment-operated business;

22 (iii) a publicly traded company;

23 (iv) an entity that is owned or oper-
24 ated by a private equity fund;

1 (v) an entity that was not in operation
2 before March 1, 2020; or

3 (vi) an entity that is not in operation
4 on, and does not intend to reopen on or be-
5 fore the date that is 180 days after, the
6 date on which the entity applies for a cov-
7 ered grant.

8 (3) COLONIA.—The term “colonia” has the
9 meaning given the term in section 916(e) of the
10 Cranston-Gonzalez National Affordable Housing Act
11 (42 U.S.C. 5306 note).

12 (4) COVERED GRANT.—The term “covered
13 grant” means a grant under section 233 made to a
14 border business.

15 (5) COVERED PERIOD.—The term “covered pe-
16 riod” means the period—

17 (A) beginning on March 1, 2020; and

18 (B) ending on March 31, 2023, or a date
19 to be determined by the Administrator that is
20 not later than 2 years after the date of enact-
21 ment of this Act.

22 (6) FUND.—The term “Fund” means the Bor-
23 der Closure Recovery Grant Fund established under
24 section 232(a)(1).

25 (7) PANDEMIC-RELATED REVENUE LOSS.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the term “pandemic-related revenue
3 loss” means, with respect to a border busi-
4 ness—

5 (i) except as provided in clauses (ii)
6 and (iii), the gross receipts, as established
7 using such verification documentation as
8 the Administrator may require, of the bor-
9 der business during 2020 subtracted from
10 the gross receipts of the border business in
11 2019, if such amount is greater than zero,
12 except that the Administrator may make
13 adjustments to this formula as needed for
14 seasonal businesses, businesses affected by
15 natural disasters, and to address other cir-
16 cumstances identified by the Administrator
17 requiring accommodation;

18 (ii) if the border business was not in
19 operation for the entirety of 2019—

20 (I) the difference between, if
21 greater than zero—

22 (aa) the product obtained by
23 multiplying the average monthly
24 gross receipts of the border busi-
25 ness in 2019 by 12; and

1 (bb) the product obtained by
2 multiplying the average monthly
3 gross receipts of the border busi-
4 ness in 2020 by 12; or

5 (II) an amount based on a for-
6 mula determined by the Adminis-
7 trator; and

8 (iii) if the border business opened dur-
9 ing the period beginning on January 1,
10 2020, and ending on February 29, 2020,
11 an amount based on a formula determined
12 by the Administrator.

13 (B) REDUCTION.—

14 (i) IN GENERAL.—The pandemic-re-
15 lated revenue losses for a border business
16 shall be reduced by—

17 (I) any amounts received from a
18 covered loan made under paragraph
19 (36) or (37) of section 7(a) of the
20 Small Business Act (15 U.S.C.
21 636(a)) in 2020 or 2021; and

22 (II) the amount by which any re-
23 munerative payment made to an indi-
24 vidual, including any salary paid to an
25 employee, in 2020 exceeds \$250,000.

1 (ii) ADMINISTRATOR AUTHORITY.—

2 The Administrator may determine the
3 types of payments and individuals to which
4 clause (i)(II) applies.

5 **SEC. 232. BORDER CLOSURE RECOVERY GRANT PROGRAM.**

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—There is established within
8 the Restaurant Revitalization Fund established
9 under section 5003 of the American Rescue Plan
10 Act of 2021 (15 U.S.C. 9009c) a fund to be known
11 as the “Border Closure Recovery Grant Fund”.

12 (2) USE OF FUNDS.—Subject to section 266,
13 the Administrator may use amounts in the Fund
14 only for the purposes described in this subtitle and
15 not for any purpose described in section 5003 of the
16 American Rescue Plan Act of 2021 (15 U.S.C.
17 9009c).

18 (b) APPROPRIATIONS.—In addition to amounts other-
19 wise available, there is appropriated to the Fund for fiscal
20 year 2022, out of any money in the Treasury not otherwise
21 appropriated, \$1,415,000,000, to remain available until
22 expended.

23 **SEC. 233. GRANTS FROM FUND.**

24 (a) IN GENERAL.—Except as provided in subsection
25 (c)(3) and in accordance with subsection (c)(2)(E), the

1 Administrator shall make covered grants in the order in
2 which applications are received by the Administrator.

3 (b) APPLICATIONS.—

4 (1) CERTIFICATION.—A border business apply-
5 ing for a covered grant shall make a good faith cer-
6 tification that—

7 (A) the covered grant is necessary to sup-
8 port the operations of the border business,
9 which were adversely affected by the border
10 travel restrictions imposed by the Federal Gov-
11 ernment in response to the COVID–19 pan-
12 demic;

13 (B) the border business does not have a
14 pending application for, and has not received, a
15 grant under—

16 (i) section 324 of the Economic Aid to
17 Hard-Hit Small Businesses, Nonprofits,
18 and Venues Act (15 U.S.C. 9009a); or

19 (ii) section 5003 of the American Res-
20 cue Plan Act of 2021 (15 U.S.C. 9009c);
21 and

22 (C) contains any other information that
23 the Administrator may require.

24 (2) VERIFICATION MATERIALS.—Subject to sec-
25 tion 231(7)(A)(i), the Administrator shall use tax

1 records, and may, in addition, use other reliable
2 sources such as certified accounting statements, with
3 respect to an applicant for a covered grant to deter-
4 mine—

5 (A) the eligibility of the applicant for that
6 covered grant; and

7 (B) the amount of that covered grant to
8 the applicant.

9 (3) ACCEPTANCE OF APPLICATIONS.—Not later
10 than 60 days after the date of enactment of this
11 Act, the Administrator shall begin accepting applica-
12 tions for covered grants.

13 (c) AMOUNT OF GRANT.—

14 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
15 gregate amount of covered grants made to a border
16 business and any affiliated businesses of the border
17 business shall not exceed \$350,000.

18 (2) DETERMINATION OF AMOUNT OF GRANT.—

19 (A) IN GENERAL.—Except as provided in
20 this subsection, the amount of a covered grant
21 made to a border business shall be equal to the
22 difference between—

23 (i) the pandemic-related revenue loss
24 of the border business; and

(ii)(I) the amount equal to the product obtained by multiplying 3 by the average monthly gross receipts of the border business in 2019; or

(II) for a border business that did not have gross receipts in 2019, because the border business began operating between January 1, 2020 and February 29, 2020 or due to other factors identified by the Administrator, an alternative amount based on a formula to be determined by the Administrator.

(B) LIMITATION.—A border business may not receive a covered grant in an amount that is greater than—

(i) the amount equal to the product obtained by multiplying 6 by the average monthly gross receipts of the border business in 2019; or

(ii) if the border business was not in operation for the entirety of 2019, if the gross receipts of the border business during 2019 were reduced due to other factors identified by the Administrator, or if the border business opened during the period

1 beginning on January 1, 2020 and ending
2 on February 29, 2020, an amount deter-
3 mined under a formula established by the
4 Administrator.

5 (C) MINIMUM AMOUNT.—The Adminis-
6 trator may establish a minimum amount of a
7 covered grant in an amount that is not more
8 than \$10,000.

9 (D) RETURN TO SBA.—Any amount of a
10 covered grant to a border business based on es-
11 timated receipts that is greater than the actual
12 gross receipts of the border business in 2020
13 shall be returned to the Administrator, who
14 may use those returned funds to make addi-
15 tional covered grants.

16 (E) MINIMUM ALLOCATION.—The Admin-
17 istrator shall ensure that—

18 (i) not less than one-third of amounts
19 made available to carry out this subtitle is
20 used to make covered grants to border
21 businesses located along the international
22 border between the United States and
23 Mexico, including colonias; and

24 (ii) not less than one-third of amounts
25 made available to carry out this subtitle is

1 used to make covered grants to border
2 businesses located along the international
3 border between the United States and
4 Canada.

5 (3) INSUFFICIENT FUNDING.—

(A) IN GENERAL.—If the Administrator determines that the amounts made available to carry out this subtitle are insufficient to make covered grants to each border business in the amount provided under paragraphs (1) and (2), the Administrator shall, in a manner that maintains the minimum allocation requirements under paragraph (2)(E)—

14 (i) make covered grants with the
15 available amounts—

(I) such that the amount of the covered grant that each border business would have otherwise received under those paragraphs is reduced by an equal percentage;

(II) by establishing a maximum amount for a covered grant made under this clause to ensure that smaller border businesses still receive cov-

1 ered grants in the amounts provided
2 under those paragraphs; or

3 (III) by providing covered grants
4 in the amounts provided under those
5 paragraphs below a certain threshold
6 (as the Administrator may establish)
7 and reducing covered grants above
8 that threshold by an equal percentage;
9 and

10 (ii) in a manner that complies with
11 clause (i), make covered grants to each
12 border business that submits an applica-
13 tion for a covered grant during the 21-day
14 period beginning on the date on which the
15 Administrator begins accepting those appli-
16 cations.

17 (B) RESERVING FUNDS.—Nothing in sub-
18 paragraph (A) shall prevent the Administrator
19 from—

20 (i) reserving funding for applicants
21 that may be determined to be eligible for
22 a covered grant upon reconsideration; or

23 (ii) making partial awards to border
24 businesses on a preliminary basis until the
25 amount of funding required to fund cov-

1 ered grants to all border businesses that
2 submit applications is established, upon
3 the completion of the reconsideration proc-
4 ess.

5 (d) USE OF FUNDS.—A border business may use
6 amounts received under a covered grant for the following
7 expenses incurred during the covered period as a direct
8 result of, or during, the COVID–19 pandemic, including
9 logistical expenses associated with border closures:

10 (1) Payroll costs.

11 (2) Payments to independent contractors, as re-
12 ported on Form 1099-MISC, except that each pay-
13 ment under this paragraph shall be in an amount
14 that is not more than \$100,000.

15 (3) Scheduled payments of interest or principal
16 on any covered mortgage obligation (which may not
17 include any prepayment of principal on a covered
18 mortgage obligation).

19 (4) Payments on any covered rent obligation
20 and common area maintenance charges under a
21 lease agreement.

22 (5) Covered utility payments.

23 (6) Maintenance expenses.

24 (7) Covered worker protection expenditures.

1 (8) Supplies, including protective equipment
2 and cleaning materials.

3 (9) Expenses that were within the scope of the
4 normal business practice of the border business be-
5 fore the covered period.

6 (10) Covered supplier costs.

7 (11) Operational expenses.

8 (12) Paid sick leave.

9 (13) Costs associated with resuming or scaling
10 up business operations after COVID–19 pandemic-
11 related border travel restrictions have been lifted.

12 (14) Workforce training or retraining expenses.

13 (15) Any other expenses that the Administrator
14 determines to be essential to maintaining the border
15 business.

16 (e) RETURNING FUNDS.—If a border business that
17 receives a covered grant fails to use all of the amounts
18 received under the covered grant on or before the last day
19 of the covered period or permanently ceases operations on
20 or before the last day of the covered period, the border
21 business shall return to the Treasury any funds that the
22 border business did not use for the allowable expenses
23 under subsection (d).

1 **SEC. 234. OUTREACH.**

2 (a) IN GENERAL.—In carrying out the program
3 under this subtitle, the Administrator shall make grants
4 to, or enter into contracts or cooperative agreements with,
5 not fewer than 6 private nonprofit organizations, resource
6 partners, States, Indian Tribes, or units of local govern-
7 ment, including not fewer than 3 adjacent to the inter-
8 national border between the United States and Canada
9 and not fewer than 3 adjacent to the international border
10 between the United States and Mexico, under the authori-
11 ties of the Community Navigator pilot program estab-
12 lished under section 5004 of the American Rescue Plan
13 Act (15 U.S.C. 9013) in order to improve access to assist-
14 ance programs and resources made available by Federal,
15 State, Tribal, and local entities in response to the
16 COVID–19 pandemic, and related border travel restric-
17 tions.

18 (b) FUNDING.—The Administrator shall set aside
19 \$10,000,000 from amounts in the Fund to make grants
20 or enter into contracts or cooperative agreements under
21 subsection (a).

22 (c) RESOURCE PARTNERS.—In addition to the activi-
23 ties described in subsection (a), the Administrator shall,
24 in partnership with entities participating in the Commu-
25 nity Navigator pilot program established under section
26 5004 of the American Rescue Plan Act (15 U.S.C. 9013),

1 small business development centers (as defined in section
2 3 of the Small Business Act (15 U.S.C. 632)), women's
3 business centers described in section 29 of that Act (15
4 U.S.C. 656), Veteran Business Outreach Centers de-
5 scribed in section 32 of that Act (15 U.S.C. 657b), and
6 the Service Corps of Retired Executives established under
7 section 8(b)(1)(B) of that Act (15 U.S.C. 637(b)(1)(B))—

8 (1) help make border businesses aware of the
9 availability of the program under this subtitle and
10 promote engagement with that program; and

11 (2) provide technical assistance to applicants,
12 including instructions on how to participate in the
13 program under this subtitle, assistance in preparing
14 applications for participation in that program, and
15 assistance in complying with any reporting require-
16 ments established by the Administrator with respect
17 to that program.

18 (d) LANGUAGE ACCESS.—The Administrator shall
19 ensure that outreach and technical assistance activities de-
20 scribed in this section are made available to border busi-
21 nesses in the 10 most commonly spoken languages, other
22 than English, in the States of the United States that bor-
23 der the international boundary with Mexico or that border
24 the international boundary with Canada, including in
25 Spanish and in French.

1 **Subtitle D—Support for Live Venue**
2 **Service and Support Companies**

3 **SEC. 241. DEFINITIONS.**

4 In this subtitle:

5 (1) **AFFILIATED BUSINESS.**—

6 (A) **IN GENERAL.**—The term “affiliated
7 business” means a business in which an eligible
8 entity has an equity or right to profit distribu-
9 tions of not less than 50 percent, or in which
10 an eligible entity has the contractual authority
11 to control the direction of the business, pro-
12 vided that such affiliation shall be determined
13 as of any arrangements or agreements in exist-
14 ence as of February 29, 2020.

15 (B) **REGULATIONS.**—For purposes of eligi-
16 bility for covered grants—

17 (i) the provisions applicable to affili-
18 ations under section 121.301 of title 13,
19 Code of Federal Regulations, or any suc-
20 cessor regulation, are waived for any busi-
21 ness concern operating as a franchise that
22 is assigned a franchise identifier code by
23 the Administration; and

24 (ii) the exceptions to affiliation noted
25 in section 121.103(b) of title 13, Code of

1 Federal Regulations, or any successor reg-
2 ulation, shall apply to an affiliated busi-
3 ness.

4 (2) COVERED GRANT.—The term “covered
5 grant” means a grant under section 503 made to an
6 eligible entity.

7 (3) COVERED PERIOD.—The term “covered pe-
8 riod” means the period—

9 (A) beginning on March 1, 2020; and

10 (B) ending on March 31, 2023, or a date
11 to be determined by the Administrator that is
12 not later than 2 years after the date of enact-
13 ment of this Act.

14 (4) ELIGIBLE ENTITY.—The term “eligible enti-
15 ty”—

16 (A) means an individual or entity—

17 (i) that is assigned a North American
18 Industry Classification System code of
19 532289, 532490, 541410, 541420,
20 541430, 541490, 561591, 561920,
21 711190, 711300, or 711320, as appears on
22 the most recent income tax filing or on the
23 application for a loan under paragraph
24 (36) or (37) of section 7(a) of the Small

1 Business Act (15 U.S.C. 636(a)) of the in-
2 dividual or entity, if applicable; and

3 (ii)(I)(aa) that, as the principal busi-
4 ness of the individual or entity, provides
5 stages, lighting, sound, casts, or other sup-
6 port for live events; and

7 (bb) for which not less than 65 per-
8 cent of the earned revenue generated
9 through providing the support described in
10 item (aa) is for live events organized, pro-
11 moted, produced, managed, or hosted by
12 an eligible person or entity described in
13 section 324(a)(1)(A)(iii) of the Economic
14 Aid to Hard-Hit Small Businesses, Non-
15 profits, and Venues Act (15 U.S.C.
16 9009a(a)(1)(A)(iii)); or

17 (II)(aa) as the principal business of
18 the individual or entity, showcases per-
19 formers or pre-packaged productions to po-
20 tential buyers; and

21 (bb) for which not less than 65 per-
22 cent of the earned revenue generated
23 through showcasing performers or pre-
24 packaged productions described in item
25 (aa) is for live events—

- 1 (AA) organized, promoted, pro-
2 duced, managed, or hosted by an eligi-
3 ble person or entity described in sec-
4 tion 324(a)(1)(A)(iii) of the Economic
5 Aid to Hard-Hit Small Businesses,
6 Nonprofits, and Venues Act (15
7 U.S.C. 9009a(a)(1)(A)(iii)); or
- 8 (BB) hosted in a hotel or conven-
9 tion center facility;
- 10 (B) includes an individual or entity de-
11 scribed in subparagraph (A) that—
- 12 (i) operates for profit;
- 13 (ii) is a Tribally-owned concern; or
- 14 (iii) is a corporation, limited liability
15 company, or partnership or operated as a
16 sole proprietorship; and
- 17 (C) does not include—
- 18 (i) an individual or entity described in
19 subparagraph (A) that—
- 20 (I) employs more than 250 em-
21 ployees, determined on a full-time
22 equivalency basis;
- 23 (II) is registered outside of the
24 United States; or

1 (III) has pandemic-related rev-
2 enue losses that are not greater than
3 25 percent;

4 (ii) an entity described in subpara-
5 graph (A) that—

6 (I) is a State or local govern-
7 ment-operated business;

8 (II) as of February 29, 2020,
9 owns or operates (together with any
10 affiliated business) more than 5 loca-
11 tions, regardless of whether those lo-
12 cations do business under the same or
13 multiple names; or

14 (III) has a pending application
15 for, or has received, a grant under—

16 (aa) section 324 of the Eco-
17 nomic Aid to Hard Hit Small
18 Businesses, Nonprofits, and
19 Venues Act (15 U.S.C. 9009a);
20 or

21 (bb) section 5003 of the
22 American Rescue Plan Act of
23 2021 (15 U.S.C. 9009c);

24 (iii) a publicly-traded company;

1 (iv) an entity that is owned or oper-
2 ated by a private equity fund;

3 (v) an entity that was not in operation
4 before March 1, 2020; or

5 (vi) an entity that is not in operation
6 on, and does not intend to reopen on or be-
7 fore the date that is 180 days after, the
8 date on which the entity applies for a cov-
9 ered grant.

10 (5) FUND.—The term “Fund” means the Live
11 Venue Service and Support Business Relief Fund es-
12 tablished under section 242(a)(1).

13 (6) PANDEMIC-RELATED REVENUE LOSS.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the term “pandemic-related revenue
16 loss” means, with respect to an eligible entity—

17 (i) except as provided in clauses (ii)
18 and (iii), the gross receipts, as established
19 using such verification documentation as
20 the Administrator may require, of the eligi-
21 ble entity during 2020 subtracted from the
22 gross receipts of the eligible entity in 2019,
23 if such amount is greater than zero, except
24 that the Administrator may make adjust-
25 ments to this formula as needed for sea-

sonal businesses, businesses affected by natural disasters, and to address other circumstances identified by the Administrator requiring accommodation;

(ii) if the eligible entity was not in operation for the entirety of 2019—

(I) the difference, if greater than zero, between—

(aa) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2019 by 12; and

(bb) the product obtained by multiplying the average monthly gross receipts of the eligible entity in 2020 by 12; or

(II) an amount based on a formula determined by the Administrator; and

(iii) if the eligible entity opened during the period beginning on January 1, 2020 and ending on February 29, 2020, an amount based on a formula determined by the Administrator.

(B) REDUCTION.—

1 (i) IN GENERAL.—The pandemic-re-
2 lated revenue losses for an eligible entity
3 shall be reduced by—

4 (I) any amounts received from a
5 covered loan made under paragraph
6 (36) or (37) of section 7(a) of the
7 Small Business Act (15 U.S.C.
8 636(a)) in 2020 or 2021; and

9 (II) the amount by which the
10 total of all remunerative payments
11 made to an individual, including any
12 annual salary paid to an employee, in
13 2020 exceeds \$250,000.

14 (ii) ADMINISTRATOR AUTHORITY.—
15 The Administrator may determine the
16 types of payments and individuals to which
17 clause (i)(II) applies.

18 **SEC. 242. LIVE VENUE SERVICE AND SUPPORT BUSINESS**

19 **RELIEF FUND.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—There is established within
22 the Restaurant Revitalization Fund established
23 under section 5003 of the American Rescue Plan
24 Act of 2021 (15 U.S.C. 9009c) a fund to be known

1 as the Live Venue Service and Support Business Re-
2 lief Fund.

3 (2) USE OF FUNDS.—Subject to section 266,
4 the Administrator may use amounts in the Fund
5 only for the purposes described in this subtitle and
6 not for any purpose described in section 5003 of the
7 American Rescue Plan Act of 2021 (15 U.S.C.
8 9009c).

9 (b) APPROPRIATIONS.—In addition to amounts other-
10 wise available, there is appropriated to the Fund for fiscal
11 year 2022, out of any money in the Treasury not otherwise
12 appropriated, \$2,000,000,000, to remain available until
13 expended.

14 **SEC. 243. GRANTS FROM FUND.**

15 (a) IN GENERAL.—Except as provided in subsection
16 (c)(3), the Administrator shall make covered grants to eli-
17 gible entities in the order in which applications are re-
18 ceived by the Administrator.

19 (b) APPLICATIONS.—

20 (1) CERTIFICATION.—An eligible entity apply-
21 ing for a covered grant shall make a good faith cer-
22 tification that—

23 (A) the uncertainty of current economic
24 conditions makes necessary the request for the

1 covered grant to support the ongoing operations
2 of the eligible entity;

3 (B) the eligible entity does not have a
4 pending application for, and has not received, a
5 grant under—

6 (i) section 324 of the Economic Aid to
7 Hard-Hit Small Businesses, Nonprofits,
8 and Venues Act (15 U.S.C. 9009a); or

9 (ii) section 5003 of the American Res-
10 cue Plan Act of 2021 (15 U.S.C. 9009c);
11 and

12 (C) contains any other information that
13 the Administrator may require.

14 (2) VERIFICATION MATERIALS.—Subject to sec-
15 tion 241(6)(A)(i), the Administrator shall use tax
16 records, and may, in addition, use other reliable
17 sources such as certified accounting statements, with
18 respect to an applicant for a covered grant to deter-
19 mine—

20 (A) the eligibility of the applicant for that
21 covered grant; and

22 (B) the amount of that covered grant to
23 the applicant.

24 (3) ACCEPTANCE OF APPLICATIONS.—Not later
25 than 60 days after the date of enactment of this

1 Act, the Administrator shall begin accepting applica-
2 tions for covered grants.

3 (c) AMOUNT OF GRANT.—

4 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
5 gregate amount of covered grants made to an eligi-
6 ble entity and any affiliated businesses of the eligible
7 entity shall not exceed \$2,000,000.

8 (2) DETERMINATION OF AMOUNT OF GRANT.—

9 (A) IN GENERAL.—Except as provided in
10 this subsection, the amount of a covered grant
11 made to an eligible entity shall be equal to the
12 difference between—

13 (i) the pandemic-related revenue loss
14 of the eligible entity; and

15 (ii)(I) the amount equal to the prod-
16 uct obtained by multiplying 3 by the aver-
17 age monthly gross receipts of the eligible
18 entity in 2019; or

19 (II) for an eligible entity that did not
20 have gross receipts in 2019, because the el-
21 igible entity began operating between Jan-
22 uary 1, 2020 and February 29, 2020 or
23 due to other factors identified by the Ad-
24 ministrator, an alternative amount based

1 on a formula to be determined by the Ad-
2 ministrator.

3 (B) LIMITATION.—An eligible entity may
4 not receive a covered grant in an amount that
5 is greater than—

6 (i) the amount equal to the product
7 obtained by multiplying 6 by the average
8 monthly gross receipts of the eligible entity
9 in 2019; or

10 (ii) if the eligible entity was not in op-
11 eration for the entirety of 2019, if the
12 gross receipts of the eligible entity during
13 2019 were reduced due to other factors
14 identified by the Administrator, or if the
15 eligible entity opened during the period be-
16 ginning on January 1, 2020 and ending on
17 February 29, 2020, an amount determined
18 under a formula established by the Admin-
19 istrator.

20 (C) MINIMUM AMOUNT.—The Adminis-
21 trator may establish a minimum amount of a
22 covered grant in an amount that is not more
23 than \$10,000.

24 (D) RETURN TO SBA.—Any amount of a
25 covered grant to an eligible entity based on esti-

1 mated receipts that is greater than the actual
2 gross receipts of the eligible entity in 2020 shall
3 be returned to the Administrator, who may use
4 those returned funds to make additional covered
5 grants.

6 (3) INSUFFICIENT FUNDING.—

7 (A) IN GENERAL.—If the Administrator
8 determines that the amounts made available to
9 carry out this subtitle are insufficient to make
10 covered grants to each eligible entity in the
11 amount provided under paragraphs (1) and (2),
12 the Administrator shall—

13 (i) make covered grants with the
14 available amounts—

15 (I) such that the amount of the
16 covered grant that each such eligible
17 entity would have otherwise received
18 under those paragraphs is reduced by
19 an equal percentage;

20 (II) by establishing a maximum
21 amount for a covered grant made
22 under this clause to ensure that smaller
23 eligible entities still receive covered
24 grants in the amounts provided under
25 those paragraphs; or

1 (III) by providing covered grants
2 in the amounts provided under those
3 paragraphs below a certain threshold
4 (as the Administrator may establish)
5 and reducing covered grants above
6 that threshold by an equal percentage;
7 and

8 (ii) in a manner that complies with
9 clause (i), make covered grants to each eli-
10 gible entity that submits an application for
11 a covered grant during the 21-day period
12 beginning on the date on which the Admin-
13 istrator begins accepting those applica-
14 tions.

15 (B) RESERVING FUNDS.—Nothing in sub-
16 paragraph (A) shall prevent the Administrator
17 from—

18 (i) reserving funding for applicants
19 that may be determined to be eligible for
20 a covered grant upon reconsideration; or

21 (ii) making partial awards to eligible
22 entities on a preliminary basis until the
23 amount of funding required to fund cov-
24 ered grants to all eligible entities that sub-

1 mit applications is established, upon the
2 completion of the reconsideration process.

3 (d) USE OF FUNDS.—During the covered period, an
4 eligible entity that receives a covered grant may use
5 amounts received under the covered grant for the following
6 expenses incurred as a direct result of, or during, the
7 COVID–19 pandemic:

8 (1) Payroll costs.

9 (2) Payments to independent contractors, as re-
10 ported on Form 1099-MISC, except that each pay-
11 ment under this paragraph shall be in an amount
12 that is not more than \$100,000.

13 (3) Scheduled payments of interest or principal
14 on any covered mortgage obligation (which may not
15 include any prepayment of principal on a covered
16 mortgage obligation).

17 (4) Payments on any covered rent obligation
18 and common area maintenance charges under a
19 lease agreement.

20 (5) Covered utility payments.

21 (6) Maintenance expenses.

22 (7) Covered worker protection expenditures.

23 (8) Supplies, including protective equipment
24 and cleaning materials.

1 (9) Expenses that were within the scope of the
2 normal business practice of the eligible entity before
3 the covered period.

4 (10) Covered supplier costs.

5 (11) Operational expenses.

6 (12) Paid sick leave.

7 (13) Any other expenses that the Administrator
8 determines to be essential to maintaining the eligible
9 entity.

10 (e) RETURNING FUNDS.—If an eligible entity that re-
11 ceives a covered grant fails to use all of the amounts re-
12 ceived under the covered grant on or before the last day
13 of the covered period or permanently ceases operations on
14 or before the last day of the covered period, the eligible
15 entity shall return to the Treasury any funds that the eli-
16 gible entity did not use for the allowable expenses under
17 subsection (d).

18 **Subtitle E—Support for Exclave**
19 **Community Small Businesses**

20 **SEC. 251. DEFINITIONS.**

21 In this subtitle:

22 (1) AFFILIATED BUSINESS.—

23 (A) IN GENERAL.—The term “affiliated
24 business” means a business in which an eligible
25 entity has an equity or right to profit distribu-

1 tions of not less than 50 percent, or in which
2 an eligible entity has the contractual authority
3 to control the direction of the business, pro-
4 vided that such affiliation shall be determined
5 as of any arrangements or agreements in exist-
6 ence as of February 29, 2020.

7 (B) REGULATIONS.—For purposes of eligi-
8 bility for covered grants—

9 (i) the provisions applicable to affili-
10 ations under section 121.301 of title 13,
11 Code of Federal Regulations, or any suc-
12 cessor regulation, are waived for any busi-
13 ness concern operating as a franchise that
14 is assigned a franchise identifier code by
15 the Administration; and

16 (ii) the exceptions to affiliation noted
17 in section 121.103(b) of title 13, Code of
18 Federal Regulations, or any successor reg-
19 ulation, shall apply to an affiliated busi-
20 ness.

21 (2) COVERED GRANT.—The term “covered
22 grant” means a grant under section 253 made to an
23 eligible entity

24 (3) COVERED PERIOD.—The term “covered pe-
25 riod” means the period—

1 (A) beginning on March 1, 2020; and

2 (B) ending on March 31, 2023, or a date
3 to be determined by the Administrator that is
4 not later than 2 years after the date of enact-
5 ment of this Act.

6 (4) EXCLAVE.—The term “exclave” means an
7 area that is—

8 (A) located in the United States;

9 (B) within 75 miles of the international
10 border between the United States and Canada;
11 and

12 (C) only accessible by land via Canada.

13 (5) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty”—

15 (A) means a small business concern (as de-
16 fined in section 3 of the Small Business Act (15
17 U.S.C. 632)) that—

18 (i) is located in an exclave; and

19 (ii) certifies, and, if requested by the
20 Administrator, demonstrates, that the clo-
21 sure of the international border between
22 the United States and Canada—

23 (I) directly resulted in a reduc-
24 tion in the gross receipts of the eligi-
25 ble entity; or

1 (II) restricted the ability of cus-
2 tomers to access the location of the
3 small business concern; and

4 (B) does not include—

5 (i) an entity with pandemic-related
6 revenue losses that are not greater than 25
7 percent;

8 (ii) an entity described in subpara-
9 graph (A) that—

10 (I) is a State or local govern-
11 ment-operated business;

12 (II) as of March 1, 2020, owns
13 or operates (together with any affili-
14 ated business) more than 10 locations,
15 regardless of whether those locations
16 do business under the same or mul-
17 tiple names; or

18 (III) has a pending application
19 for or has received a grant under—

20 (aa) section 324 of the Eco-
21 nomic Aid to Hard Hit Small
22 Businesses, Nonprofits, and
23 Venues Act (15 U.S.C. 9009a);
24 or

1 (bb) section 5003 of the
2 American Rescue Plan Act of
3 2021 (15 U.S.C. 9009c);

4 (iii) a publicly-traded company;

5 (iv) an entity that is owned or oper-
6 ated by a private equity fund;

7 (v) an entity that was not in operation
8 before March 1, 2020; or

9 (vi) an entity that is not in operation
10 on, and does not intend to reopen on or be-
11 fore the date that is 180 days after, the
12 date on which the entity applies for a cov-
13 ered grant.

14 (6) FUND.—The term “Fund” means the
15 Exclave Community Small Business Relief Fund es-
16 tablished under section 252(a)(1).

17 (7) PANDEMIC-RELATED REVENUE LOSS.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), the term “pandemic-related revenue
20 loss” means, with respect to an eligible entity—

21 (i) except as provided in clauses (ii)
22 and (iii), the gross receipts, as established
23 using such verification documentation as
24 the Administrator may require, of the eligi-
25 ble entity during 2020 subtracted from the

1 gross receipts of the eligible entity in 2019,
2 if such amount is greater than zero, except
3 that the Administrator may make adjust-
4 ments to this formula as needed for sea-
5 sonal businesses, businesses affected by
6 natural disasters, and to address other cir-
7 cumstances identified by the Administrator
8 requiring accommodation;

9 (ii) if the eligible entity was not in op-
10 eration for the entirety of 2019—

11 (I) the difference, if greater than
12 zero, between—

13 (aa) the product obtained by
14 multiplying the average monthly
15 gross receipts of the eligible enti-
16 ty in 2019 by 12; and

17 (bb) the product obtained by
18 multiplying the average monthly
19 gross receipts of the eligible enti-
20 ty in 2020 by 12; or

21 (II) an amount based on a for-
22 mula determined by the Adminis-
23 trator; and

24 (iii) if the eligible entity opened dur-
25 ing the period beginning on January 1,

1 2020, and ending on February 29, 2020,
2 an amount based on a formula determined
3 by the Administrator.

4 (B) REDUCTION.—

5 (i) IN GENERAL.—The pandemic-re-
6 lated revenue losses for an eligible entity
7 shall be reduced by—

8 (I) any amounts received from a
9 covered loan made under paragraph
10 (36) or (37) of section 7(a) of the
11 Small Business Act (15 U.S.C.
12 636(a)) in 2020 or 2021; and

13 (II) the amount by which the
14 total of all remunerative payments
15 made to an individual, including any
16 annual salary paid to an employee, in
17 2020 exceeds \$250,000.

18 (ii) ADMINISTRATOR AUTHORITY.—
19 The Administrator may determine the
20 types of payments and individuals to which
21 clause (i)(II) applies.

22 **SEC. 252. EXCLAVE COMMUNITY SMALL BUSINESS RELIEF**
23 **FUND.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established within
2 the Restaurant Revitalization Fund established
3 under section 5003 of the American Rescue Plan
4 Act of 2021 (15 U.S.C. 9009c) a fund to be known
5 as the Exclave Community Small Business Relief
6 Fund.

7 (2) USE OF FUNDS.—Subject to section 266,
8 the Administrator may use amounts in the Fund
9 only for the purposes described in this subtitle and
10 not for any purpose described in section 5003 of the
11 American Rescue Plan Act of 2021 (15 U.S.C.
12 9009c).

13 (b) APPROPRIATIONS.—In addition to amounts other-
14 wise available, there is appropriated to the Fund for fiscal
15 year 2022, out of any money in the Treasury not otherwise
16 appropriated, \$85,000,000, to remain available until ex-
17 pended, of which \$75,000,000 shall be available for eligi-
18 ble entities located in exclaves adjacent to the border be-
19 tween Alaska and Canada and \$10,000,000 shall be avail-
20 able to exclaves adjacent to the border between the conti-
21 nental United States and Canada.

22 **SEC. 253. GRANTS FROM FUND.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (c)(3)(B), the Administrator shall make covered grants to

1 eligible entities in the order in which applications are re-
2 ceived by the Administrator.

3 (b) APPLICATIONS.—

4 (1) CERTIFICATION.—An eligible entity apply-
5 ing for a covered grant shall make a good faith cer-
6 tification that—

7 (A) the uncertainty of current economic
8 conditions makes necessary the request for the
9 covered grant to support the ongoing operations
10 of the eligible entity;

11 (B) closure of the international border be-
12 tween the United States and Canada—

13 (i) directly resulted in a reduction in
14 the gross receipts of the eligible entity; or

15 (ii) restricted the ability of customers
16 to access the location of the covered busi-
17 ness;

18 (C) the eligible entity does not have a
19 pending application for, and has not received, a
20 grant under—

21 (i) section 324 of the Economic Aid to
22 Hard-Hit Small Businesses, Nonprofits,
23 and Venues Act (15 U.S.C. 9009a); or

1 (ii) section 5003 of the American Res-
2 cue Plan Act of 2021 (15 U.S.C. 9009c);
3 and

4 (D) contains any other information that
5 the Administrator may require.

6 (2) VERIFICATION MATERIALS.—Subject to sec-
7 tion 251(7)(A)(i), the Administrator shall use tax
8 records, and may, in addition, use other reliable
9 sources such as certified accounting statements, with
10 respect to an applicant for a covered grant to deter-
11 mine—

12 (A) the eligibility of the applicant for that
13 covered grant; and

14 (B) the amount of that covered grant to
15 the applicant.

16 (3) ACCEPTANCE OF APPLICATIONS.—Not later
17 than 60 days after the date of enactment of this
18 Act, the Administrator shall begin accepting applica-
19 tions for covered grants.

20 (c) AMOUNT OF GRANT.—

21 (1) AGGREGATE MAXIMUM AMOUNT.—The ag-
22 gregate amount of covered grants made to an eligi-
23 ble entity and any affiliated businesses of the eligible
24 entity shall not exceed \$3,000,000.

25 (2) DETERMINATION OF AMOUNT OF GRANT.—

1 (A) IN GENERAL.—Except as provided in
2 section 252(b) and in this subsection, the
3 amount of a covered grant made to an eligible
4 entity shall be equal to the difference between—

5 (i) the pandemic-related revenue loss
6 of the eligible entity; and

7 (ii)(I) the amount equal to the prod-
8 uct obtained by multiplying 3 by the aver-
9 age monthly gross receipts of the eligible
10 entity in 2019; or

11 (II) for an eligible entity that did not
12 have gross receipts in 2019, because the el-
13 igible entity began operating between Jan-
14 uary 1, 2020 and February 29, 2020 or
15 due to other factors identified by the Ad-
16 ministrator, an alternative amount based
17 on a formula to be determined by the Ad-
18 ministrator.

19 (B) MINIMUM AMOUNT.—The Adminis-
20 trator may establish a minimum amount of a
21 covered grant in an amount that is not more
22 than \$10,000.

23 (C) RETURN TO SBA.—Any amount of a
24 covered grant to an eligible entity based on esti-
25 mated receipts that is greater than the actual

1 gross receipts of the eligible entity in 2020 shall
2 be returned to the Administrator, who may use
3 those returned funds to make additional cov-
4 ered grants.

5 (3) INSUFFICIENT FUNDING.—

6 (A) IN GENERAL.—If the Administrator
7 determines that the amounts made available to
8 carry out this subtitle are insufficient to make
9 covered grants to each eligible entity in the
10 amount provided under paragraphs (1) and (2)
11 and in accordance with the allocations under
12 section 252(b), the Administrator shall—

13 (i) make covered grants with the
14 available amounts—

15 (I) such that the amount of the
16 covered grant that each such eligible
17 entity would have otherwise received
18 under those paragraphs is reduced by
19 an equal percentage;

20 (II) by establishing a maximum
21 amount for a covered grant made
22 under this clause to ensure that small-
23 er eligible entities still receive covered
24 grants in the amounts provided under
25 those paragraphs; or

1 (III) by providing covered grants
2 in the amounts provided under those
3 paragraphs below a certain threshold
4 (as the Administrator may establish)
5 and reducing covered grants above
6 that threshold by an equal percentage;
7 and

8 (ii) in a manner that complies with
9 clause (i), make covered grants to each eli-
10 gible entity that submits an application for
11 a covered grant during the 21-day period
12 beginning on the date on which the Admin-
13 istrator begins accepting those applica-
14 tions.

15 (B) RESERVING FUNDS.—Nothing in sub-
16 paragraph (A) shall prevent the Administrator
17 from—

18 (i) reserving funding for applicants
19 that may be determined to be eligible for
20 a covered grant upon reconsideration; or

21 (ii) making partial awards to eligible
22 entities on a preliminary basis until the
23 amount of funding required to fund cov-
24 ered grants to all eligible entities that sub-

1 mit applications is established, upon the
2 completion of the reconsideration process.

3 (d) USE OF FUNDS.—

4 (1) PERMITTED USES.—During the covered pe-
5 riod, an eligible entity that receives a covered grant
6 may use amounts received under the covered grant
7 for the following expenses incurred as a direct result
8 of, or during, the COVID–19 pandemic:

9 (A) Payroll costs.

10 (B) Payments to independent contractors,
11 as reported on Form 1099-MISC, except that
12 each payment under this subparagraph shall be
13 in an amount that is not more than \$100,000.

14 (C) Scheduled payments of interest or
15 principal on any covered mortgage obligation
16 (which may not include any prepayment of
17 principal on a covered mortgage obligation).

18 (D) Payments on any covered rent obliga-
19 tion and common area maintenance charges
20 under a lease agreement.

21 (E) Covered utility payments.

22 (F) Maintenance expenses.

23 (G) Covered worker protection expendi-
24 tures.

1 (H) Supplies, including protective equip-
2 ment and cleaning materials.

3 (I) Expenses that were within the scope of
4 the normal business practice of the eligible enti-
5 ty before the covered period.

6 (J) Covered supplier costs.

7 (K) Operational expenses.

8 (L) Paid sick leave.

9 (M) Any other expenses that the Adminis-
10 trator determines to be essential to maintaining
11 the eligible entity.

12 (2) PROHIBITED USES.—An eligible entity may
13 not use amounts received under a covered grant for
14 expenses incurred by the eligible entity outside the
15 exclave, including those expenses incurred by related
16 or affiliated businesses located outside the exclave.

17 (e) RETURNING FUNDS.—If an eligible entity that re-
18 ceives a covered grant fails to use all of the amounts re-
19 ceived under the covered grant on or before the last day
20 of the covered period or permanently ceases operations on
21 or before the last day of the covered period, the eligible
22 entity shall return to the Treasury any funds that the eli-
23 gible entity did not use for the allowable expenses under
24 subsection (d).

1 **Subtitle F—Administration and Im-**
2 **plementation of Support Pro-**
3 **grams**

4 **SEC. 261 DEFINITION.**

5 In this subtitle, the term “covered program” means
6 a program for which grants are authorized under this title.

7 **SEC. 262. DATA TRANSPARENCY AND CUSTOMER SERVICE.**

8 The Administrator shall—

9 (1) in carrying out each covered program,
10 maintain regular communication during the period
11 during which the covered program is in effect with
12 applicants and their representatives, including by—

13 (A) hosting regularly scheduled informa-
14 tion sessions with applicants and their rep-
15 resentatives; and

16 (B) providing opportunities to applicants
17 and their representatives to submit and receive
18 answers to questions regarding covered pro-
19 grams;

20 (2) for each covered program, on a bi-weekly
21 basis until the amounts made available under this
22 title for the covered program are fully expended,
23 publish data that shows, for the period beginning on
24 the date of enactment of this Act and ending on the
25 date on which the information is published—

1 (A) with respect to applications for grants
2 under each covered program, the number of
3 those applications—

4 (i) that the Administrator has re-
5 ceived;

6 (ii) that the Administrator has re-
7 viewed or is in the process of reviewing;
8 and

9 (iii) with respect to which the Admin-
10 istrator has made a decision; and

11 (B) the number and dollar amount of
12 grants under each covered program—

13 (i) that are awarded; and

14 (ii) that are disbursed;

15 (3) for each covered program, on a weekly basis
16 until the amounts made available under this title to
17 carry out the covered program are fully expended,
18 publish, with respect to the period beginning on the
19 date of enactment of this Act and ending on the
20 date on which the information is published—

21 (A) with respect to each entity to which a
22 grant has been made under the covered pro-
23 gram—

24 (i) the name of the entity, including
25 the name under which the entity does busi-

1 ness if that name is different from the
2 name of the entity;

3 (ii) the address of the entity; and

4 (iii) if the physical location for the eli-
5 gible business listed on the application is
6 different from the address of the entity,
7 the address of such physical location; and

8 (B) the amount of each grant described in
9 subparagraph (A); and

10 (4) with respect to an applicant that applies for
11 a grant under a covered program and is denied by
12 the Administrator—

13 (A) make available to the applicant a brief
14 explanation identifying the reason why the Ad-
15 ministrator denied the application of the appli-
16 cant, which shall include, where applicable, a ci-
17 tation to the statutory, regulatory, or guidance
18 provision with which the applicant failed to
19 comply and that was the basis for the denial;
20 and

21 (B) establish a reconsideration process
22 through which the applicant may—

23 (i) submit to the Administrator addi-
24 tional clarifying information the applicant

- 1 determines to be relevant to whether the
- 2 applicant is eligible for the grant;
- 3 (ii) challenge the decision of the Ad-
- 4 ministrator; and
- 5 (iii) receive a second review of the ap-
- 6 plication submitted by the applicant.

7 **SEC. 263. BUSINESS IDENTIFIERS.**

8 In accepting applications for grants under a covered
9 program, the Administrator shall prioritize the ability of
10 each applicant to use the existing business identifier of
11 the applicant over requiring other forms of registration or
12 identification that may not be common to the industry of
13 the applicant, which may impose additional burdens on the
14 applicant.

15 **SEC. 264. APPLICATIONS.**

16 (a) EXPEDITED PROCESSING AND APPROVAL AU-
17 THORITY.—

18 (1) IN GENERAL.—The Director of the Office of
19 Management and Budget may, on an emergency
20 basis, and in order to expedite the processing and
21 approval of applications for grants under a covered
22 program, waive the requirements of part 200 of title
23 2, Code of Federal Regulations, or any successor
24 regulations, with respect to the covered program if—

1 (A) the Director finds that such a waiver
2 will prevent entities eligible for grants under
3 the covered program from failing or suffering
4 undue hardship; and

5 (B) each entity that receives a grant under
6 the covered program is still required to report
7 to the Administrator on the use by the entity
8 of the amounts received under the grant.

9 (2) CONTINUITY.—To the extent practicable,
10 the Director of the Office of Management and Budget
11 et shall prioritize administrative continuity for covered
12 programs with the Restaurant Revitalization
13 Fund authorized in section 5003 of the American
14 Rescue Plan Act of 2021 (15 U.S.C. 9009c).

15 (b) LIMITATION ON DENIAL BASED ON DENIAL FOR
16 OTHER SBA PROGRAMS.—The Administrator may not
17 deny an application by an entity for a grant under a covered
18 program solely on the basis that an application by
19 the entity for another program of the Small Business Administration,
20 including the program under section 5003
21 of the American Rescue Plan Act of 2021 (15 U.S.C.
22 9009c), was denied.

1 **SEC. 265. PROHIBITION ON PARTICIPATION IN MULTIPLE**
2 **PROGRAMS.**

3 (a) IN GENERAL.—An entity may not receive a grant
4 under more than 1 covered program or receive a grant
5 under a covered program and a grant under title IV.

6 (b) WITHDRAWAL OF PENDING APPLICATIONS.—

7 (1) DEFINITION.—In this subsection, the term
8 “covered application” means an application for a
9 grant under—

10 (A) a covered program;

11 (B) the program under section 5003 of the
12 American Rescue Plan Act of 2021 (15 U.S.C.
13 9009c); or

14 (C) the program under section 324 of the
15 Economic Aid to Hard Hit Small Businesses,
16 Nonprofits, and Venues Act (15 U.S.C. 9009a).

17 (2) WITHDRAWAL.—An entity that has a pend-
18 ing covered application may submit a covered appli-
19 cation with respect to another program if, at or be-
20 fore the time that the entity submits the covered ap-
21 plication with respect to another program, the entity
22 withdraws the pending covered application.

23 **SEC. 266. TRANSFER OF FUNDS.**

24 (a) AUTHORITY.—

25 (1) IN GENERAL.—Subject to paragraph (2), on
26 and after the date that is 30 days after the date on

1 which the Administrator begins accepting applica-
2 tions under a covered program, the Administrator
3 may transfer amounts made available under this
4 title for that covered program to the fund estab-
5 lished under this title for another covered program.

6 (2) LIMITATION.—The Administrator may not
7 transfer amounts made available under this title for
8 a covered program if the Administrator determines
9 that the amounts made available to carry out that
10 covered program are insufficient to make grants to
11 each eligible entity in the amount specified with re-
12 spect to that covered program.

13 (b) USE OF TRANSFERRED FUNDS.—Any amounts
14 transferred under subsection (a) shall be merged with, and
15 available for the same purposes as, other amounts in the
16 fund to which the amounts are transferred.

17 **SEC. 267. OVERSIGHT AND AUDITS.**

18 (a) IN GENERAL.—The Administrator shall institute
19 an oversight and audit plan with respect to entities receiv-
20 ing grants under a covered program, which shall include—

21 (1) documentation requirements that are con-
22 sistent with the eligibility and other requirements
23 under the applicable covered program, including by
24 requiring an entity that receives a grant under the

1 covered program to retain records that demonstrate
2 compliance with those requirements; and

3 (2) reviews of the use by entities of grants
4 made under the applicable covered program to en-
5 sure compliance with the requirements under that
6 covered program, which shall include—

7 (A) the review and audit, by the Adminis-
8 trator, of grants made under that covered pro-
9 gram; and

10 (B) in the case of fraud or other material
11 noncompliance with respect to a grant made
12 under that covered program—

13 (i) a requirement that the applicable
14 entity repay to the Administrator the
15 amount of the misspent funds; or

16 (ii) the pursuit, by the Administrator,
17 of legal action to collect the misspent
18 funds.

19 (b) SUBMISSION OF PLAN.—Not later than 45 days
20 after the date of enactment of this Act, the Administrator
21 shall submit to the Committee on Small Business and En-
22 trepreneurship of the Senate and the Committee on Small
23 Business of the House of Representatives the plan re-
24 quired under subsection (a), which shall describe—

1 (1) the policies and procedures of the Adminis-
2 trator for conducting oversight and audits of grants
3 made under the covered programs; and

4 (2) the metrics that the Administrator will use
5 to determine which grants made under a covered
6 program will be audited under that plan.

7 (c) REPORTS.—Not later than 60 days after the date
8 of enactment of this Act, once every 30 days thereafter
9 until the date that is 180 days after the date on which
10 all amounts made available to carry out covered programs
11 have been fully expended, and upon request thereafter, the
12 Administrator shall submit to the Committee on Small
13 Business and Entrepreneurship of the Senate and the
14 Committee on Small Business of the House of Representa-
15 tives a report on the oversight and audit activities of the
16 Administrator under this section, which shall include—

17 (1) the total number of grants approved and
18 disbursed under each covered program;

19 (2) the total amount of each grant under each
20 covered program received by each entity that re-
21 ceived such a payment;

22 (3) the number of active investigations and au-
23 dits of grants made under each covered program;

1 (4) the number of completed reviews and audits
2 of grants made under each covered program, includ-
3 ing a description of—

4 (A) any findings of fraud or other material
5 noncompliance with the requirements of the ap-
6 plicable covered program;

7 (B) questionable costs identified by the
8 Administrator; and

9 (C) the total amount recouped from ineli-
10 gible recipients; and

11 (5) a description of any substantial changes
12 made to the plan required under subsection (a).

13 **SEC. 268. ADMINISTRATIVE FUNDING.**

14 In addition to amounts otherwise available, there is
15 appropriated to the Administrator for fiscal year 2022,
16 out of any money in the Treasury not otherwise appro-
17 priated, to remain available until expended, \$150,000,000
18 for administrative expenses to carry out the covered pro-
19 grams, of which, \$20,000,000 shall be for the Inspector
20 General of the Small Business Administration for nec-
21 essary expenses of the Office of Inspector General.

22 **SEC. 269. GROSS RECEIPTS.**

23 For each covered program, the Administrator may
24 authorize applicants for grants under the covered program

1 to measure annual gross receipts using either the calendar
2 year or fiscal year.

3 **SEC. 270. RULES.**

4 Not later than 60 days after the date of enactment
5 of this Act, the Administrator shall issue rules to carry
6 out each covered program, without regard to the notice
7 requirements under section 553(b) of title 5, United
8 States Code.

9 **TITLE III—OTHER SBA**
10 **PROGRAM IMPROVEMENTS**

11 **SEC. 301. SHUTTERED VENUE OPERATORS.**

12 (a) IN GENERAL.—Section 324(d) of title III of divi-
13 sion N of the Consolidated Appropriations Act, 2021 (15
14 U.S.C. 9009a(d)) is amended by striking paragraph (1)
15 and inserting the following:

16 “(1) TIMING.—

17 “(A) EXPENSES INCURRED.—Amounts re-
18 ceived under a grant under this section may be
19 used for costs incurred during the period begin-
20 ning on March 1, 2020, and ending on March
21 11, 2023.

22 “(B) EXPENDITURE.—An eligible person
23 or entity shall return to the Administrator any
24 amounts received under a grant under this sec-
25 tion that are not expended on or before April

1 15, 2023, with respect to costs incurred during
2 the period described in subparagraph (A).”.

3 (b) APPLICABILITY.—The amendment made by sub-
4 section (a) shall apply to grants made under section 324
5 of title III of division N of the Consolidated Appropria-
6 tions Act, 2021 (15 U.S.C. 9009a) before, on, or after
7 the date of enactment of this Act.

8 **SEC. 302. TREATMENT OF PAYCHECK PROTECTION PRO-**
9 **GRAM LOAN FORGIVENESS OF PAYROLL**
10 **COSTS UNDER HIGHWAY AND PUBLIC TRANS-**
11 **PORTATION PROJECT COST REIMBURSE-**
12 **MENT CONTRACTS.**

13 (a) IN GENERAL.—Notwithstanding section 31.201–
14 5 of title 48, Code of Federal Regulations (or successor
15 regulations), for the purposes of any cost-reimbursement
16 contract awarded in accordance with section 112 of title
17 23, United States Code, or section 5325 of title 49, United
18 States Code, or any subcontract under such a contract,
19 no cost reduction or cash refund (including through a re-
20 duced indirect cost rate) shall be due to the Department
21 of Transportation or to a State transportation depart-
22 ment, transit agency, or other recipient of assistance
23 under chapter 1 of title 23, United States Code, or chapter
24 53 of title 49, United States Code, on the basis of forgive-
25 ness of the payroll costs of a covered loan (as those terms

1 are defined in section 7A(a) of the Small Business Act
2 (15 U.S.C. 636m(a))) issued under the paycheck protec-
3 tion program under section 7(a)(36) of that Act (15
4 U.S.C. 636(a)(36)).

5 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to amend or exempt the prohibi-
7 tions and liability under section 3729 of title 31, United
8 States Code, (relating to false claims).

9 (c) TERMINATION.—This section shall cease to have
10 force or effect on June 30, 2025.

11 **TITLE IV—TRANSPORTATION** 12 **SERVICES**

13 **SEC. 401. ADDITIONAL ASSISTANCE FOR ELIGIBLE PRO-** 14 **VIDERS OF TRANSPORTATION SERVICES AF-** 15 **FECTED BY COVID-19.**

16 (a) DEFINITIONS.—In this section:

17 (1) CERTS ACT.—The term “CERTS Act”
18 means subtitle B of title IV of division N of the
19 Consolidated Appropriations Act, 2021 (Public Law
20 116–260).

21 (2) PROVIDER OF TRANSPORTATION SERV-
22 ICES.—The term “provider of transportation serv-
23 ices” has the meaning given the term in section
24 421(a) of the CERTS Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury.

3 (b) APPROPRIATION.—In addition to amounts other-
4 wise made available, there is appropriated for fiscal year
5 2022, out of any money in the Treasury not otherwise ap-
6 propriated, \$2,000,000,000, to remain available until ex-
7 pended, to provide additional funding for grants under the
8 CERTS Act.

9 (c) PAYMENTS.—

10 (1) ELIGIBLE ENTITIES.—The Secretary shall
11 provide the funds made available by subsection (b)
12 to providers of transportation services that—

13 (A) as of the date of enactment of this
14 Act—

15 (i) have been determined to be eligible
16 under the CERTS Act; and

17 (ii) are in compliance with the appli-
18 cable terms and conditions of the CERTS
19 Act; or

20 (B) on or after the date of enactment of
21 this Act, are determined to be eligible under the
22 terms and conditions described in subparagraph
23 (A)(ii).

24 (2) CALCULATION.—A payment provided under
25 this subsection shall be calculated using the same

1 methodology as is used for the distribution of funds
2 under the CERTS Act.

3 (3) RETURN OF UNUSED AMOUNTS.—A pro-
4 vider of transportation services shall return to the
5 Secretary any funds provided under this subsection
6 that are not used by the provider of transportation
7 services by the date that is 1 year after the date of
8 receipt of the funds.

9 (d) ADMINISTRATION.—

10 (1) IN GENERAL.—The Secretary shall have the
11 authorities provided by the CERTS Act with respect
12 to the funds made available by subsection (b).

13 (2) ADMINISTRATIVE EXPENSES.—Of the funds
14 made available by subsection (b), not more than
15 \$50,000,000 may be used by the Secretary for the
16 costs of administering this section and the CERTS
17 Act.

18 **TITLE V—OFFSETS**

19 **SEC. 501. OFFSETTING RESCISSIONS.**

20 (a) IN GENERAL.—Of the unobligated balances from
21 amounts made available under the heading “Small Busi-
22 ness Administration—Business Loans Program Account,
23 CARES Act” in section 323(d)(1)(A) of division N of the
24 Consolidated Appropriations Act, 2021 (Public Law 116–
25 260; 134 Stat. 2019) for the cost of guaranteed loans as

1 authorized under paragraphs (36) and (37) of section 7(a)
2 of the Small Business Act (15 U.S.C. 636(a)),
3 \$2,982,000,000 are hereby permanently rescinded.

4 (b) CARES ACT.—Of the unexpended balances re-
5 maining from amounts made available under the heading
6 “Small Business Administration—Business Loans Pro-
7 gram Account, CARES Act” in section 1107(a)(1) of the
8 Coronavirus Aid, Relief, and Economic Security Act (15
9 U.S.C. 9006(a)(1)) \$1,904,000,000 shall be returned to
10 the Treasury.

11 **TITLE VI—BUDGETARY EFFECTS**

12 **SEC. 601. EMERGENCY DESIGNATION.**

13 (a) IN GENERAL.—The amounts provided under the
14 this Act and the amendments made by this Act are des-
15 ignated as an emergency requirement pursuant to section
16 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2
17 U.S.C. 933(g)).

18 (b) HOUSE AND SENATE.—This Act and the amend-
19 ments made by this Act are designated as an emergency
20 requirement pursuant to subsections (a) and (b) of section
21 4001 of S. Con. Res. 14 (117th Congress), the concurrent
22 resolution on the budget for fiscal year 2022.